

Sen. Begich Technical Assistance Request on the draft Pirate Fishing Vessel Disposal Act

Sven-Erik Kaiser to:

Mowitt, William (Begich), Carolyn Levine,
Michael Johnson

10/18/2011 10:31 AM

Bill - thanks for the TA request on the draft bill. We'll take a look and plan to give you comments by Tuesday, October 25. I'm looping in my colleague Carolyn Levine who has the lead on RCRA waste management issues including PCB disposal. Please let me know if you have additional questions. Best, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753
----- Forwarded by Sven-Erik Kaiser/DC/USEPA/US on 10/18/2011 10:27 AM -----

From:

"Johnson, Michael (Begich)" < Michael_Johnson@begich.senate.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

10/17/2011 06:10 PM

Subject:

FW: Pirate Fishing Vessel Disposal Act--discussion draft

From: Mowitt, William (Begich)

Sent: Monday, October 17, 2011 11:49 AM

To: King, Bob (Begich); Feldman, James (Begich); Johnson, Michael (Begich); Barrett, Catherine (Commerce); Lewis, Jeff (Commerce); Barelli, Tim (Commerce); Cramer, Katie (Commerce); Leuchten,

Chris (Begich)

Subject: Pirate Fishing Vessel Disposal Act--discussion draft

Hi all-

A draft SMB bill to dispose of Pirate/IUU fishing vessels (to include the *Bangun Perkasa*). The overall idea is to:

1: ensure these vessels don't find their way back into IUU fishing trade (since that's all they tend to be good for)

2: encourage USCG to use in live fire exercises, both to give them real world practice in coastal defense roles (think: stopping ship full of WMD trying to enter US port) and to send clear message that IUU fishing will not be tolerated.

Would authorize NOAA to transfer to USCG to sink (after cleaning to same standards as Navy does for target ships) or to MARAD for scrapping. Prohibits transfer to private parties for purposes other than scrapping.

Would very much appreciate any thoughts you had, especially on:

- 1: Does this capture the right vessels? IUU and forfeited vessel definition based on discussions with NOAA. ONLY foreign flagged /stateless vessels captured—no US flag affected.
- 2: Touches EPA issues, especially cleaning before disposal. Includes Toxic Substances Control Act exemption statutorily (if cleaned to MPRSA standards). Navy has the same exemption based on MOU with EPA, but this puts in statute. Basically, Navy is required to remove liquid PCBS, but not trace PCB-containing solids like wire insulation. Sierra Club and Basel Action Network will oppose, as they are suing now to take away Navy TSCA exemption. Some evidence of elevated PCBS in reef fish near ships sunk for artificial reefs, so this clarifies that IUU ship sinking must be done far offshore in deep water (no use for artificial reef).
- 3: Uses USCG OSLTF to pay for cleanup costs (since rusty, abandoned old IUU ships full of diesel pose oil spill threat). No limit on authorization—do we want/need one? Left limit off to give agencies flexibility to deal with whatever comes up...but will that be a red flag? Figure this whole authority will be used very infrequently, similar sized navy ships were ~\$400k /ship to clean for target sinking. (small relative to OSLTF \$2.7B)
- 3: Touches on MARAD—authorize transfer to MARAD to scrap. They have a big backlog, but also comes with USCG money for decontamination if needed.

Any thoughts on your issue areas? Will circulate to NOAA, USCG, MARAD as well for comment. (and EPA? MJ, do you have contact?)

Would be great to introduce by Nov 1 when IUU port state measures bill will be dropped (including briefings, press events, etc.)

Thanks! Bill

William Mowitt Congressional Fellow Office of U.S. Senator Mark Begich

E-newsletter signup: begich.senate.gov











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which may be a computer program. This attached computer program

contain a computer virus which could cause harm to EPA's computers,



{In Archive} RE: Sen. Begich Technical Assistance Request on the draft Pirate Fishing Vessel Disposal Act

Mowitt, William (Begich) to: Carolyn Levine

10/18/2011 12:07 PM

Archive:

This message is being viewed in an archive.

Sounds good, thanks Carolyn!

William Mowitt Congressional Fellow Office of U.S. Senator Mark Begich

----Original Message----

From: Levine.Carolyn@epamail.epa.gov [
mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Tuesday, October 18, 2011 11:49 AM

To: Mowitt, William (Begich)
Cc: Johnson, Michael (Begich);
Kaiser.Sven-Erik@epamail.epa.gov;
Snyder.Raquel@epamail.epa.gov

Subject: RE: Sen. Begich Technical Assistance Request

on the draft Pirate Fishing Vessel Disposal Act

hi Bill,

Lucky you! My [RCRA issues] team covers RCRA but also PCB management and disposal issues which are under TSCA. We will review this draft and we can provide technical assistance on disposal requirements and management of PCBs on ships for transfer.

Raquel Snyder is our team poc on PCB/ship disposal issues, but she is out sick today. I will ask her to follow up with our program and legal experts and get back to you.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

From: "Mowitt, William (Begich)"

<William Mowitt@begich.senate.gov>
Sven-Erik Kaiser/DC/USEPA/US@EPA,

Carolyn

To:

Levine/DC/USEPA/US@EPA, "Johnson, Michael

(Begich) "

<Michael_Johnson@begich.senate.gov>

Date: 10/18/2011 10:37 AM

RE: Sen. Begich Technical Subject:

Assistance Request on the draft

Pirate Fishing Vessel Disposal Act

Thanks Sven and Carolyn. Funny thing--my first job out of college was as an information specialist on EPA's RCRA hotline, so I'm chock-full or probably obsolete factoids on the RCRA regs...and you have my full sympathy Carolyn!

William Mowitt Congressional Fellow Office of U.S. Senator Mark Begich

----Original Message----

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov] Sent: Tuesday, October 18, 2011 10:32 AM

To: Mowitt, William (Begich);

Levine.Carolyn@epamail.epa.gov; Johnson,

Michael (Begich)

Subject: Sen. Begich Technical Assistance Request on

the draft Pirate

Fishing Vessel Disposal Act

Bill - thanks for the TA request on the draft bill. We'll take a look and plan to give you comments by Tuesday, October 25. I'm looping in my colleague Carolyn Levine who has the lead on RCRA waste management issues including PCB disposal. Please let me know if you have additional questions. Best, Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753 ---- Forwarded by Sven-Erik Kaiser/DC/USEPA/US on 10/18/2011 10:27 AM

"Johnson, Michael (Begich)" From:

<Michael_Johnson@begich.senate.gov>

Sven-Erik

Kaiser/DC/USEPA/US@EPA

Date: 10/17/2011 06:10 PM
Subject: FW: Pirate Fishing
Vessel Disposal Act--discussion

draft

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Sent: Monday, October 17, 2011 11:49 AM
To: King, Bob (Begich); Feldman, James (Begich);
Johnson, Michael
(Begich); Barrett, Catherine (Commerce); Lewis, Jeff (Commerce);
Barelli, Tim (Commerce); Cramer, Katie (Commerce);
Leuchten, Chris
(Begich)
Subject: Pirate Fishing Vessel Disposal
Act--discussion draft

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Thanks! Bill

William Mowitt Congressional Fellow Office of U.S. Senator Mark Begich

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cid:image006.png@01CAF74C.C557A0F0

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For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

[attachment "Pirate Fishing Vessel Disposal Act discussion draft.docx" deleted by Sven-Erik Kaiser/DC/USEPA/US]

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COMMITTEE ON HOMELAND SECURITY AND **GOVERNMENTAL AFFAIRS**

MARK BEGICH ALASKA

COMMITTEE ON

COMMERCE, SCIENCE, AND TRANSPORTATION

CHAIRMAN, SUBCOMMITTEE ON OCEANS. ATMOSPHERE, FISHERIES AND COAST GUARD

COMMITTEE ON VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

January 29, 2013

Ms. Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, DC 20460

Dear Administrator Jackson:

I understand the Environmental Protection Agency's Suspension and Debarment Division is reviewing for possible action two unrelated incidents involving subsidiaries of Crowley Maritime Corporation: the 2009 grounding of the Crowley tug Pathfinder in Alaska waters, and a violation of the antitrust laws involving its liner operations in the Puerto Rico trade. I am writing to express my views concerning Crowley's standing as a responsible government contractor.

I am very familiar with Crowley based on my experience in Alaska, where Crowley is a major provider of marine services, and also as chair of the Senate subcommittee that has oversight over maritime commerce and protecting marine resources. Based on these experiences, I believe Crowley is a responsible company and an industry leader in marine safety and environmental protection.

I am committed to the safe and environmentally responsible development of offshore resources and believe Crowley has demonstrated the expertise and commitment to operate safely in Alaska and around the globe.

Crowley has operated in Alaska for generations, supplying fuel and supplies to military facilities in the most remote parts of my state, and conducting dozens of sealifts that moved most of the major infrastructure that enabled the exploration and production of Alaska North Slope oil. Crowley was first on the scene following the Exxon Valdez grounding in 1989 and has since managed oil spill prevention and response capabilities in Prince William Sound.

Following the *Pathfinder* grounding, top Crowley officials, including the company's owner and other senior executives, immediately reached out to my office. They were candid, transparent and upset by this incident in which the crew failed to follow several The Honorable Lisa Jackson January 25, 2013 Page 2

internal company operational protocols. Crowley took prompt action to address the immediate concerns and followed up with an enhanced safety improvement program.

I understand the importance of assuring that the government does business only with responsible companies. Based on my experience, I believe Crowley is a responsible contractor. Thank you for your consideration on my views on this matter.

Sincerely,

Mark Begich

United States Senator



Automatic reply: Tote Agreement Johnson, Michael (Begich)

to:

Patricia Haman 08/08/2012 02:33 PM

Hide Details

From: "Johnson, Michael (Begich)" < Michael _Johnson@begich.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

I will be out of email contact from Saturday, August 4th through Monday, August 13th. Begining Tuesday, August 14th, I will be working in Alaska through Wednesday, September 4th. Travel inside Alaska may limit my access to email during this time. If you need to reach someone in my absence, you can do so at:

Thanks, -MJ



looking at mercury rule Johnson, Michael (Begich)

to:

Patricia Haman 07/26/2012 01:15 PM

Hide Details

From: "Johnson, Michael (Begich)" < Michael_Johnson@begich.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Do you have a handy summary of what you're doing in relation to revising the mercury rule? I saw some chatter in the press but have seen nothing official from EPA.



ECA - AK shipping issue Johnson, Michael (Begich)

Patricia Haman

07/19/2012 01:53 PM

Hide Details

From: "Johnson, Michael (Begich)" < Michael_Johnson@begich.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Pat, I've run afoul of your bureaucracy and could use some help.

We've been talking with an AK shipping company, TOTE, and R-10 a fair amount lately. If you don't know, TOTE has proposed conversion of their fleet to LNG rather than mixing low sulfur diesel to meet the ECA standard that will go into effect in August (and with more stringent standards in 2015). The is more costly in the short term and obviously takes more up front capital and time than simply mixing higher grades of fuel.

Senator Begich is highly supportive. After some tough number wrangling and negotiations, we believe they quite close to an agreement that will work for both parties, and hopefully lead to more ships converting to LNG over time.

I had hoped just to make a simple staff level phone call to Margo Oge to say that we're supportive of them working outside their comfort zone to craft a deal. The AK AG has filed suit on the ECA. The rest of the Congressional Delegation, besides Senator Begich, has piled on.

Instead, I got politely handed back to Congressional Affairs. Anyway, this will end up taking far longer than I had hoped to spend on the subject, but the senator is still highly supportive and we'd like to convey that message.

If it needs to be with Congressional Affairs instead of Oge, fine. If I can speak to her with a minder, fine. Just le me know.

My direct is

if you need it. Thanks.

-MJ



RE: Follow up on mercury and air toxics standards(MATS)/facilities in Alaska Johnson, Michael (Begich)

to:

Cindy Schuster 06/06/2012 02:08 PM

Cc:

Josh Lewis, Patricia Haman

Hide Details

From: "Johnson, Michael (Begich)" < Michael_Johnson@begich.senate.gov>

To: Cindy Schuster/R10/USEPA/US@EPA

Cc: Josh Lewis/DC/USEPA/US@EPA, Patricia Haman/DC/USEPA/US@EPA

1 Attachment



image001.gif

Naptha is treated as gas? Meaning gasoline or natural gas? It is a liquid, fairly light hydrocarbons, but still a liquid. I guess I was operating under the assumption that oil-fired meant liquid fuels.

Okay. To clarify, the basic answers are:

- 1) It's 25 MW per actual unit, not combined facility total;
- 2) Naptha-burning isn't considered "oil-fired."
- 3) Because the DoD plants don't sell the to the grid, they are not subject to the rule.

Thanks. This helps.

-MJ

From: Cindy Schuster [mailto:Schuster.Cindy@epamail.epa.gov]

Sent: Wednesday, June 06, 2012 1:55 PM

To: Johnson, Michael (Begich) **Cc:** Josh Lewis; Patricia Haman

Subject: RE: Follow up on mercury and air toxics standards(MATS)/facilities in Alaska

Michael,

Below are responses in italics. Please let me know if any of them need further clarification.

With my regards,

Cindy Colgate Schuster Congressional Coordinator International Coordinator 206/553-1815

My questions are:

1) Is the old city plant, now owned by Aurora, not affected because of size or ownership/sales structure? They list their size as 25 MW and sell power directly to GVEA.

The Aurora facility included more than one boiler, and thus the facility total is greater than 25 MW. However, an electric generating unit (EGU) subject to MATS must have individual units greater than 25 MW.

2) Why are the various large diesel and naptha fired facilities not anticipated to be affected? They're obviously over the 25 MW threshold and selling to the commercial grid, such as it is. Is it simply that the facilities don't have sufficient emissions to hit thresholds of concern?

The reasons that they are not subject to the MATS rule:

- The MATS rule only applies to coal-fired or oil-fired EGUs (naptha is gas-fired).
- The diesel facilities are most likely subject to the RICE rule (reciprocating internal combustion engines) and must be individually greater than 25 MW. If you have some type of combustion source, don't have units greater than 25 MW individually, yet still sell to the commercial grid, you have either a boiler or an engine.
- 3) In the briefing materials on your website, I read that federal facilities were subject to the rule. The DoD facilities don't sell to the grid (and are not regulated public utilities), but they are obviously federally owned. Did I get this wrong? Believe me, I'm happy if they're not subject to the rule.

The DoD comment was originally added because of uncertainty about whether or not the Alaska DoD facilities were selling to the commercial grid.

"Johnson, Michael (Begich)" ---06/06/2012 08:33:42 AM---Josh, thanks for getting back to me. I would like to have a follow up conversation, phone or email,

From: "Johnson, Michael (Begich)" < Michael Johnson@begich.senate.gov
To: Josh Lewis/DC/USEPA/US@EPA
Cc: Patricia Haman/DC/USEPA/US@EPA, Cindy Schuster/R10/USEPA/US@EPA
Date: 06/06/2012 08:33 AM

Subject: RE: Follow up on mercury and air toxics standards(MATS)/facilities in Alaska

Josh, thanks for getting back to me. I would like to have a follow up conversation, phone or email, with the appropriate R-10 staffer about the details. It obviously makes our lives easier with fewer numbers of affected facilities, but I need to have a good grip on this. Ideally, it wouldn't take too long.

My questions are:

- 1) Is the old city plant, now owned by Aurora, not affected because of size or ownership/sales structure? They list their size as 25 MW and sell power directly to GVEA.
- 2) Why are the various large diesel and naptha fired facilities not anticipated to be affected? They're obviously over the 25 MW threshold and selling to the commercial grid, such as it is. Is it simply that the facilities don't have

sufficient emissions to hit thresholds of concern?

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I'm happy to take an email response or have a quick conversation, whichever is easier and faster for your side.

Also, for Cindy, yes, Heather has been good about reaching out to me. I sent her an email yesterday. I've been buried on a couple other issues and wanted a few more bits of information before I called her back on the Alyeska BMACT issue. I'll be in touch this week, I hope.

-MJ

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Wednesday, June 06, 2012 11:15 AM

To: Johnson, Michael (Begich) **Cc:** Patricia Haman; Cindy Schuster

Subject: RE: Follow up on mercury and air toxics standards(MATS)/facilities in Alaska

Michael,

Our technical staff in Reg 10 are saying that there is currently only one coal-fired electric utility unit in Alaska subject to the MATS rule -- the GVEA Healy Unit 2.

All of the other facilities you mentioned are either not owned or operated by electric utilities (which is an entity that sells power to the grid), or are smaller than the size cutoff in the MATS rule (which is more than 25 megawatts of power generated at an individual unit and sold to the grid).

Cindy - cc'd above - can help track down our Reg 10 experts on this if you have additional questions.

Cindy also indicated that she heard from Heather Valdez that the 2 of you have been trading messages and missing each other. If Cindy or I can help let us know.

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

"Johnson, Michael (Begich)" ---06/05/2012 05:37:11 PM---FYI – GVEA's own list of generation sources. Having lived there once upon a time and worked with th

From: "Johnson, Michael (Begich)" < Michael Johnson@begich.senate.gov To: Josh Lewis/DC/USEPA/US@EPA

Cc: Patricia Haman/DC/USEPA/US@EPA

Date: 06/05/2012 Q5:37 PM

Subject: RE: Follow up on mercury and air toxics standards(MATS)/facilities in Alaska

FYI – GVEA's own list of generation sources. Having lived there once upon a time and worked with them in recent years, this is pretty accurate as far as I know.

http://www.gvea.com/energy/power

There are other coal plants in the Interior. The privately owned Aurora Energy is on the list. University of Alaska Fairbanks'

power plant is coal-fired but is below the threshold. Both Ft. Wainwright and Eielson AFB are coal-fired as well.

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Tuesday, June 05, 2012 3:27 PM

To: Johnson, Michael (Begich)

Cc: Patricia Haman

Subject: RE: Follow up on mercury and air toxics standards(MATS)/facilities in Alaska

Try me on my cell after 5 tonight. 2

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

"Johnson, Michael (Begich)" ---06/05/2012 03:22:37 PM---Thanks, Josh. I do want to follow up. Our utilities are in town this week as is the lone AK coal m

From: "Johnson, Michael (Begich)" < Michael Johnson@begich.senate.gov >

To: Josh Lewis/DC/USEPA/US@EPA
Cc: Patricia Haman/DC/USEPA/US@EPA

Date: 06/05/2012 03:22 PM

Subject: RE: Follow up on mercury and air toxics standards(MATS)/facilities in Alaska

Thanks, Josh. I do want to follow up. Our utilities are in town this week as is the lone AK coal mine (who also owns a power plant). I'm in meetings from 3:30 – 5:00. Are you available after that or do I need to set up a time tomorrow?

-MJ

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Tuesday, June 05, 2012 3:13 PM

To: Johnson, Michael (Begich)

Cc: Patricia Haman

Subject: Follow up on mercury and air toxics standards(MATS)/facilities in Alaska

Hi Michael.

Pat mentioned you had some questions about our power plant standards. Happy to talk whenever you'd like. As a starting point here's a file w/ the facilities we're aware of that likely would have to comply w/ MATS. Note on p. 12 there's one in Alaska - in Healy - though this is based on information from EPA's Information Collection Request so there may be others.

(See attached file: 20111221PowerPlantsLikelyCoveredbyMATS.pdf)

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550



RE: Emission control areas Feldman, James (Begich)

to:

Patricia Haman 06/04/2012 05:07 PM

Hide Details

From: "Feldman, James (Begich)" <James_Feldman@begich.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

6 Attachments













image001.git image002.png image003.png image004.png image005.png image006.png

Hi Pat,

Michael is wrapping up a meeting right now, so we'll be calling in shortly.

James

From: Patricia Haman [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Monday, June 04, 2012 11:16 AM

To: Josh Lewis

Cc: King, Bob (Begich); Feldman, James (Begich); Johnson, Michael (Begich); Mowitt, William (Begich)

Subject: Re: Emission control areas

Good Morning: Josh unexpectedly is out of the office today so I will be handling the call on this end for us. Please let me know if you need anything before the call today. And to confirm, the call is scheduled for 5 pm eastern and the call-in number is:

Call in #:

code

Thanks, Pat

Patricia Haman Office of Congressional and Intergovernmental Relations 202-564-2806

Josh Lewis---05/24/2012 05:52:48 PM---Haven't heard back yet on Dennis's availability at that time. Will let you know as soon as I do. --

From: Josh Lewis/DC/USEPA/US

To: "Johnson, Michael (Begich)" < Michael Johnson@begich.senate.gov >

Cc: "King, Bob (Begich)" < Bob King@begich.senate.gov>, "Feldman, James (Begich)" < James Feldman@begich.senate.gov>, Patricia

Haman/DC/USEPA/US@EPA, "Mowitt, William (Begich)" < William Mowitt@begich.senate.gov> Date: 05/24/2012 05:52 PM

Subject: Re: Emission control areas

Haven't heard back yet on Dennis's availability at that time. Will let you know as soon as I do.

From: "Johnson, Michael (Begich)" [Michael Johnson@begich.senate.gov]

Sent: 05/24/2012 06:38 PM GMT

To: Josh Lewis

Cc: "King, Bob (Begich)" < Bob King@begich.senate.gov >; "Feldman, James (Begich)" <James Feldman@begich.senate.gov>; Patricia Haman; "Mowitt, William (Begich)"

< William Mowitt@begich.senate.gov > Subject: RE: Emission control areas

Neither of those windows work for the whole group. Any chance of 5-6 p.m. EDT?

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Thursday, May 24, 2012 12:59 PM

To: Johnson, Michael (Begich)

Cc: King, Bob (Begich); Feldman, James (Begich); Patricia Haman; Mowitt, William (Begich)

Subject: RE: Emission control areas

I spoke too soon. I just heard that Dennis McLerran our Reg 10 RA would really like to participate in this call, but he'll be in the air until about 2:30 pm that day. Any chance you all are available either from 3-4 or 4-5 pm on Monday the 4th?

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

"Johnson, Michael (Begich)" ---05/22/2012 04:54:15 PM---Josh, we're going to be scattered between here and AK during recess. Can I suggest 1 p.m. on Mond

From: "Johnson, Michael (Begich)" < Michael Johnson@begich.senate.gov>

To: Josh Lewis/DC/USEPA/US@EPA

Cc: "King, Bob (Begich)" < Bob King@begich.senate.gov >, "Feldman, James (Begich)" < James Feldman@begich.senate.gov >, Patricia Haman/DC/USEPA/US@EPA, "Mowitt, William (Begich)" < William Mowitt@begich.senate.gov >

Date: 05/22/2012 04:54 PM

Subject: RE: Emission control areas

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-MJ

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Tuesday, May 22, 2012 2:28 PM

To: Johnson; Michael (Begich)

Cc: King, Bob (Begich); Feldman, James (Begich); Patricia Haman; Mowitt, William (Begich)

Subject: RE: Emission control areas

Michael,

Sorry to do this, but we're going to have to schedule the call for some time next week (or the week after if it's problematic on your end to do during a recess week). In looking into this more we realized our Region 10 office has been doing some work on this issue, and so we need to discuss further with them and also have them on the line for the call with you. So let me work this a bit further internally and then will be in touch w/ proposed next steps. Sorry again for the delay, but I'm confident this will result in a better discussion when we have it.

Josh

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< William Mowitt@begich.senate.gov >, "King, Bob (Begich)" < Bob King@begich.senate.gov >

Date: 05/22/2012 11:25 AM

Subject: RE: Emission control areas

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From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Tuesday, May 22, 2012 11:07 AM

To: Johnson, Michael (Begich)

Cc: Feldman, James (Begich); Patricia Haman; Mowitt, William (Begich)

Subject: RE: Emission control areas

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Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

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-MJ

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Friday, May 18, 2012 9:49 AM

To: Johnson, Michael (Begich)

Cc: Feldman, James (Begich); Mowitt, William (Begich); Patricia Haman

Subject: Re: Emission control areas

Hi Michael,

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RE: Emission control areas Johnson, Michael (Begich)

to:

Josh Lewis

05/24/2012 02:38 PM

Cc:

"King, Bob (Begich)", "Feldman, James (Begich)", Patricia Haman, "Mowitt, William (Begich)"

Hide Details

From: "Johnson, Michael (Begich)" < Michael _Johnson@begich.senate.gov>

To: Josh Lewis/DC/USEPA/US@EPA

Cc: "King, Bob (Begich)" <Bob_King@begich.senate.gov>, "Feldman, James (Begich)" <James_Feldman@begich.senate.gov>, Patricia Haman/DC/USEPA/US@EPA, "Mowitt, William (Begich)" <William_Mowitt@begich.senate.gov>

6 Attachments













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Neither of those windows work for the whole group. Any chance of 5-6 p.m. EDT?

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Thursday, May 24, 2012 12:59 PM

To: Johnson, Michael (Begich)

Cc: King, Bob (Begich); Feldman, James (Begich); Patricia Haman; Mowitt, William (Begich)

Subject: RE: Emission control areas

I spoke too soon. I just heard that Dennis McLerran our Reg 10 RA would really like to participate in this call, but he'll be in the air until about 2:30 pm that day. Any chance you all are available either from 3-4 or 4-5 pm on Monday the 4th?

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

"Johnson, Michael (Begich)" ---05/22/2012 04:54:15 PM---Josh, we're going to be scattered between here and

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To: Josh Lewis/DC/USEPA/US@EPA

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Date: 05/22/2012 04:54 PM

Subject: RE: Emission control areas

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-MJ

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Tuesday, May 22, 2012 2:28 PM

To: Johnson, Michael (Begich)

Cc: King, Bob (Begich); Feldman, James (Begich); Patricia Haman; Mowitt, William (Begich)

Subject: RE: Emission control areas

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RE: R-22 refrigerants Johnson, Michael (Begich)

to:

Patricia Haman, Josh Lewis 03/23/2012 10:03 AM

Hide Details

From: "Johnson, Michael (Begich)" < Michael _Johnson@begich.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA

1 Attachment



image001.gif

Thanks. I'll try to find out what gear group uses this type of refrigerant.

From: Patricia Haman [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Friday, March 23, 2012 10:02 AM

To: Josh Lewis

Cc: Johnson, Michael (Begich) **Subject:** Re: R-22 refrigerants

Hi Michael: I need to check in with our technical folks. I know some stuff about this issue but not about the fishing

industry aspects. Pat

Patricia Haman Office of Congressional and Intergovernmental Relations 202-564-2806

Josh Lewis---03/23/2012 05:10:25 AM---Adding Pat. ----- Original Message -----

From: Josh Lewis/DC/USEPA/US
To. "Johnson, Michael (Begich)" < Michael Johnson@begich.senate.gov >

Cc: "Patricia Haman" < Haman Patricia@epamail.epa.gov > Date: 03/23/2012 05:10 AM

Subject: Re: R-22 refrigerants

Adding Pat.

From: "Johnson, Michael (Begich)" [Michael Johnson@begich.senate.gov]

Sent: 03/22/2012 10:13 PM GMT

To: Josh Lewis

Subject: R-22 refrigerants

Josh,

Is this a subject you know anything about? Can you find out or pass off to someone who does? The language below came from a state rep staffer and is not mine. However, it appears to adequately describe the issue. I'm checking with my fishing colleagues to see if they're hearing this directly.

Thanks. -MJ

Constituents in Homer have discussed the need for a waiver for Alaska for the upcoming EPA prohibition on use of R-22 in refrigeration units. The ban on R-22 will have a large impact on fishing operations, processing companies, ice-making operations and ice rinks etc. that currently use R-22 http://en.wikipedia.org/wiki/Chlorodifluoromethane in their Refrigerated Seawater (RSW) product quality, processing, and ice-making operations. The substitute for R-22 is R-407 http://en.wikipedia.org/wiki/R-407A which will require retrofits to existing RSW and other refrigeration units and which has less capacity as a refrigerant, meaning that engines will have to be run longer to get the seawater chilled down, or to make ice. We would like to request that Senator Begich discuss an Alaska-specific exemption to the R-22 prohibition with EPA administrators.



Tote Agreement Patricia Haman to: michael_johnson

08/08/2012 02:33 PM

Hi Michael: I just got a copy of the signed agreement and thought you might want the official copy for your records. Pat



Tote Permit July 31, 2012.pdf

Patricia Haman Office of Congressional and Intergovernmental Relations 202-564-2806





July 31, 2012

UNITED STATES COAST GUARD AND UNITED STATES ENVIRONMENTAL PROTECTION AGENCY MARPOL ANNEX VI REGULATION 3 PERMIT TERMS AND CONDITIONS TO SUPPORT THE EXEMPTION FROM MARPOL ANNEX VI REGULATION 14.4 FOR M/V MIDNIGHT SUN AND M/V NORTH STAR

A. Background

Totem Ocean Trailer Express (TOTE), a U.S. flag Jones Act Carrier, has requested the United States Government (USG) to issue a permit for a ship emission reduction and control technology research project pursuant to the Act to Prevent Pollution from Ships, 33 U.S.C. §§ 1905-1915 (the "APPS") and Regulation 3 of MARPOL Annex VI. This trial program applies to the U.S. flag, RO/RO cargo vessels MIDNIGHT SUN (ON 1128203, IMO 9232278) and NORTH STAR (ON 1139532, IMO 9232280) (the "Vessels"). This trial program consists of 1) developing and retrofitting advanced liquefied natural gas (LNG) conversion kits and fuel system modifications for each of six marine diesel engines ("the engines") installed on each of the Vessels that operate between Tacoma, WA, and Anchorage, Alaska; 2) assisting in the development of LNG refueling facilities and procedures for the Vessels in the Puget Sound region; and 3) assisting in the development of alternative power generation and use procedures for the Vessels in Anchorage, AK.

This Regulation 3 permit, issued pursuant to the APPS, consists of a temporary exemption through September 30, 2016, of the fuel sulfur content requirements that would otherwise apply to these Vessels during that period while operating in those portions of the North American Emission Control Area (ECA) described below, subject to the conditions of this permit. This temporary exemption will promote the development and use of low-polluting LNG engine technology by obviating the need for vessel and fuel system modifications that would be necessary to comply with the ECA fuel sulfur limits during the period between the effective dates of those fuel sulfur limits currently scheduled to go into effect on August 1, 2012 and September 30, 2016 when all of the retrofit engines are expected to be in operation. These include engine and fuel system modifications that could impede the LNG development project. Although this permit will result in a near term emission increase, the LNG-converted ships will achieve sulfur reductions more than 95 percent below that required by the 2015 fuel sulfur standards. In addition, with the use of shore power and equivalent power generation measures, TOTE will achieve emission reductions in the Port of Tacoma and Port of Anchorage greater than would be achieved by the fuel sulfur standards alone.

The technology development program that is the subject of this permit will also provide important information with respect to the development and application of advanced sulfur control technologies for other marine engines. Specifically, the development of these LNG conversion kits for the MAN engines and the fuel storage and delivery systems on the TOTE vessels is expected to promote the use of these systems on other engines and vessels. In addition, this program will create an incentive for a local power company to install an LNG refueling facility in the Puget Sound region, which is a critical first step in developing an LNG infrastructure for multiple users in this region. The development of such an infrastructure should provide further incentives for expanded use of LNG on ships as well as drayage trucks and other cargo handling equipment, and the information gained will also be helpful to other ports as they investigate the

advantages and challenges of establishing shoreside LNG facilities for marine vessels and other mobile applications. Finally, the continued development of shoreside power options would be available to other ships that use these ports.

The United States government (USG) is today issuing a permit for a Regulation 3 exemption consistent with the following definitions and specified terms, subject to compliance by TOTE to the terms of the permit. The USG anticipates that the experience of TOTE through this permit will be useful to develop and evaluate the potential of LNG engine conversion as an advanced sulfur control technology. The exemption contained in this permit will expire no later than September 30, 2016.

This permit only provides for an exemption with respect to the fuel sulfur content requirements set forth in Annex VI Regulation 14.4; it otherwise neither amends nor repeals any other requirement or authority of any applicable provision of Annex VI or of law. Compliance with this permit shall be treated as compliance with MARPOL Annex VI Regulation 14.4.

B. Definitions

Except as specified below, terms used in this permit shall have meanings as defined in the following documents, in the following order (i.e. if not found in the first document, the controlling document is the second):

The Act to Prevent Pollution from Ships, 33 U.S.C. §§1901 et. seq.

The International Convention for the Prevention of Pollution from Ships (MARPOL), Annex VI

The Clean Air Act, 42 U.S.C. Chapter 85

Area of Operation means the North Pacific Area, defined as the area northward from the northern border of the State of California, within U.S. regions, extending out to the boundary of the North American Emission Control Area (ECA).

TOTE means Totem Ocean Trailer Express, Inc. an Alaska corporation with U.S. flag Jones Act vessels operating between Tacoma, WA and Anchorage, AK.

Responsible Official means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

Conversion Period means the period of time commencing January 1, 2014 and terminating upon entry into regular commercial operation of the last engine on the Vessels and entry into operation of the necessary shoreside LNG refueling facility, during which period TOTE will be phasing in the installation of LNG conversion kits on the engines of the Vessels during regular commercial operations. Due to operational and safety considerations, it is understood by TOTE and the USG that the actual conversion activities will likely be performed between the months of May and September of each year during the Conversion Period.

C. General

1. Termination.

a. USG may revoke or modify this permit if at any point TOTE is not compliant with MARPOL Annex VI, including but not limited to the Regulation 3 trial program requirements and conditions herein. The requirements of MARPOL Annex VI Regulation 14 shall apply as of the date of the noncompliance which forms the basis for the revocation.

b. TOTE may surrender its permit at any time, except the USG reserves its right to revoke the permit under paragraph C.1.a., based on noncompliance with the terms of the permit, prior to accepting the termination of the permit.

2. Term of Permit.

a. The exemption from the fuel sulfur standards which allows the use of fuel with a sulfur level up to 2.2% will terminate no later than September 30, 2016.

3. Conditions of Permit - Progress by TOTE

a. ENGINES

i. Through the reporting process set forth in paragraph G.1. of this permit, TOTE must show it is making progress toward the development and installation of LNG retrofit systems, during the Conversion Period, with a view to conversion of all engines on the Vessels by September 30, 2016. TOTE shall complete the conversion of all engines no later than September 30, 2016.

b. REFUELING FACILITIES

- i. Through the reporting process set forth in paragraph G.1. of this permit, TOTE must show, monitor and report progress toward the installation and operation of LNG refueling facilities in the Puget Sound region during the Conversion Period, with a view to ensuring reliable LNG supplies for the Vessels by no later than September 30, 2016.
- ii. It is understood that TOTE will require interim supplies of LNG during the Conversion Period to support installation, testing, type approval and entry into regular commercial operation of the converted engines. Prior to the commencement of the Conversion Period, TOTE must develop and obtain approval by USG of an interim method to supply LNG fuel to the Vessels during the Conversion Period and until such time as reliable long term LNG supplies can be established.

c. SHORESIDE POWER FACILITIES

- i. TOTE shall continue to use shore power for the Vessels while at berth in Tacoma, WA.
- ii. Through the reporting process set forth in paragraph G.1. of this permit, TOTE must show that there is progress toward the development of alternative ship-generated power using either LNG or distillate fuel with a sulfur level no greater than 15 ppm while at berth in Anchorage, AK beginning no later than January 1, 2015.

4. Conditions of Permit - Incident and Malfunction Reporting

- a. TOTE shall promptly notify USG on the discovery of any incident or development that will affect the dates set out in paragraph C.3. This notification shall include a report describing the incident or development, including a malfunction in the test engine, the date of the incident or development, the estimated impact on the scheduled dates described in paragraph C.3, and the actions that are being taken to address the delay.
- b. Compliance with this incident or malfunction notification provision shall not excuse or otherwise constitute a defense to any violation of this permit or any law or regulation such malfunction may cause.
- 5. Liability of TOTE. Except where specifically noted, this permit does not release TOTE from any liability for noncompliance with other requirements that apply in the U.S. portions of the North American ECA, including applicable federal, state, and local environmental laws and regulations, including the Clean Air Act and the Act to Prevent Pollution from Ships.

- 6. Temporary IAPP or COI Documentation. A copy of this permit, certified by USG, shall be affixed to the International Air Pollution Prevention (IAPP) certificate or Certificate of Inspection (COI) for each of the Vessels included in the LNG trial program for the purpose of compliance with the Regulation 14 fuel sulfur limits applicable in the North American ECA.
- 7. Permanent IAPP Documentation. No later than September 30, 2016, the IAPP or COI for each of the Vessels included in the LNG trial program will be revised to specify that the compliance strategy for the ECA fuel sulfur controls consists of the following:
 - a. The use of LNG fuel in each of six engines on the Vessel while the Vessel is operating in the North American ECA.
 - b. The use of shore power or, in the event shore power is unavailable due to a power outage or other reason, the use of ship-generated power using LNG or distillate fuel with sulfur content not to exceed 15 ppm while the Vessels are at berth in Tacoma, WA.
 - c. The use of ship-generated power using LNG or distillate fuel with sulfur content not to exceed 15 ppm while the Vessels are at berth in any other port in the North American ECA.
- D. Conditions of Permit LNG Engine Development Program
 - 1. TOTE, working with its engine manufacturer, shall replace the small diesel generators ("ADGs") and develop or cause to be developed LNG conversion kits for each of the large diesel generators ("MDGs") installed on the following vessels:
 - a. M.V. Midnight Sun:

4 MDGs: MAN 9L58/64

Serial numbers: 1 110 237, 1 110 238, 1 110 239, 1 110 240

2 ADGs: MAN 9L35/44 DF Serial numbers: TBD

b. M.V. North Star:

4 MDGs: MAN 9L58/64

Serial numbers: 1 110 241, 1 110 242, 1 110 243, 1 110 244

2 ADGs: MAN 9L35/44 DF Serial numbers: TBD

- 2. The schedule for the installation, testing, type approval and entry into regular commercial operation of the LNG conversion kits for the engines on the Vessels will be set forth in the Initial Report as required by paragraph G.l.a. of this permit, and be consistent with the final contract executed between TOTE and its engine manufacturer. TOTE intends to phase in the engine replacements and conversions, with installation by the following dates:
 - a. M.V. Midnight Sun

i. ADG 1: September 30, 2014

ii. ADG 2: September 30, 2014

iii. MDG 3: September 30, 2015

iv. MDG 4: September 30, 2015

v. MDG 5: September 30, 2016

vi. MDG 6: September 30, 2016

b. M.V. North Star

i. ADG 1: September 30, 2014

ii. ADG 2: September 30, 2014

iii. MDG 3: September 30, 2015

iv. MDG 4: September 30, 2015

v. MDG 5: September 30, 2016

vi. MDG 6: September 30, 2016

The testing, type approval, and entry into regular commercial operation of the replacement and converted engines will be achieved within 60 days of completion of the installation.

3. Prior to the termination of the Conversion Period, fuel with sulfur content not more than 2.20% m/m (22,000 ppm) may be used in the engines while the Vessels are operating in the Area of Operation. As each engine enters into regular commercial operation during the Conversion Period, LNG shall be used in the relevant engine while the Vessel is operating in the Area of Operation, unless LNG fuel is unavailable or technical or safety consideration preclude its use.

E. LNG Refueling Facility Development Program

TOTE, working with Port Authorities in the Puget Sound region, shall promote reliable LNG refueling facilities for the Vessels. The refueling facilities will provide adequate LNG fuel to ensure that the necessary fuel is available following the Conversion Period.

F. Conditions of Permit - Shore Power Program

- TOTE shall continue to use shore power in place of ship-generated power while at berth in Tacoma, WA
- 2. TOTE shall use ship-generated power using either LNG or distillate fuel with a sulfur level no greater than 15 ppm while at berth in Anchorage, AK beginning no later than January 1, 2015. Such ship-generated power will result in sulfur emissions not in excess of mandated requirements.
- 3. Except where such use would conflict with Coast Guard Winter Guidelines (ice rules) in Cook Inlet, Alaska, TOTE agrees to continue to use the ship-generated power described in paragraph F.2. while at berth in Anchorage, AK.

G. Recordkeeping and Reporting

- 1. TOTE shall provide the following reports:
 - a. Initial Report: TOTE shall provide an initial report, within 45 days of the date of this permit, with the following information:
 - i. The schedule for development, installation, testing, type approval and entry into regular commercial operation for each of the engines described above, with detailed milestones.
 - ii. The schedule for establishing the LNG refueling facilities described above, with detailed milestones.
 - iii. The schedule for establishing utilization of alternative methods of power generation while the Vessels are at berth in Anchorage, AK as described in paragraph F.2, with detailed milestones.
 - b. Interim Reports: TOTE shall provide an interim report within 45 days after the end of each calendar quarter of each year with the following information:
 - A summary of progress toward achieving the milestones described in the initial report.
 - Identification of any missed milestones and expected corrective action, including a
 description of how the milestone will be achieved before the end of the next reporting
 period.
 - iii. A description of any constraints that are expected to affect achievement of the milestones during the next period.
 - iv. Additional information regarding achievement of the conversion project, LNG refueling access, and alternative methods of power generation while the Vessels are at berth in Anchorage, AK over the remainder of the year (such as repairs or improvements).

- c. Final Report: TOTE shall provide a final report, within 45 days after the termination date of the permit, documenting the pilot project including the conversion projects, refueling facilities, and alternative methods of power generation while the Vessels are at berth. This report shall aggregate the information provided in the interim reports.
- d. Certification: Each report shall state that, based on information and belief formed after reasonable inquiry, the statements, and information in the document are true, accurate, and complete. Each report shall be signed by a responsible official.
- e. Recordkeeping: TOTE shall keep copies of the notifications, reports, and other submissions required under this Trial Program for at least five years after the date any report, notification, or submission is required to be created or submitted.
- f. Addresses. TOTE shall submit the above reports to the United States Government at the following addresses:
 - i. Coast Guard

Office of Commercial Vessel Compliance Domestic Compliance Division 2100 Second Street, S.W. STOP 7581 Washington, DC 20593 Phone: (202) 372-1224

Phone: (202) 372-1224 Fax: (202) 372-1917

E-mail: CG-CVC-1@uscg.mil

ii. Environmental Protection Agency

Office of Transportation & Air Quality

Compliance Division Phone: (202) 343-9755 E-mail: marine-eca@epa.gov

Joseph A. Servidio, RDML

Assistant Commandant for Prevention Policy

U.S. Coast Guard

Margo Tsirigotis Oge

Director Office of Transportation and Air Quality

U.S. Environmental Protection Agency

EPA resonse to Senator Begich's Tier 3 letter Patricia Haman to: Michael Johnson

Cc: Josh Lewis

1 attachment

Begich 3-19-12.pdf

Michael: Please see the attached response. Pat

From: patricia haman (b) (6) Personal Privacy
Sent: 03/19/2012 04:45 PM AST

To: Patricia Haman

03/19/2012 05:18 PM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 1 9 2012

The Honorable Mark Begich United States Senate Washington, D.C. 20510

OFFICE OF AIR AND RADIATION

Dear Senator Begich:

Thank you for your letter of January 12, 2012, co-signed by five of your colleagues, concerning the U.S. Environmental Protection Agency's forthcoming proposal of the "Tier 3" light-duty vehicle emissions and gasoline standards.

The EPA is developing the Tier 3 standards to respond to the critical need to improve air quality, and to enable a harmonized national vehicle emissions control program. This rule would reduce motor vehicle emissions and help state and local areas attain and maintain the existing health-based air quality standards in a cost-effective and timely way. Lower sulfur gasoline is necessary to operate the pollution control equipment to achieve new Tier 3 vehicle standards, and will facilitate the development of lower cost technologies to improve fuel economy. Improvements in fuel economy reduce gasoline consumption and save consumers money.

The Tier 3 standards would create a comprehensive regulatory approach that provides certainty for both the auto and oil industries. Under a single harmonized national vehicle program, the Tier 3 standards would provide for coordinated implementation with the California vehicle program and the EPA and Department of Transportation's recently proposed light-duty vehicle standards to reduce carbon pollution and improve fuel economy for model years 2017 through 2025. The proposed standards are projected to save approximately 4 billion barrels of oil and 2 billion metric tons of carbon pollution over the lifetime of the vehicles. Vehicles meeting these standards are projected to provide average net savings to consumers of \$3,000 to \$4,000 per vehicle. Further, the coordinated timing of the Tier 3 and refinery sector rules provides the oil industry regulatory certainty and opportunities for cost-efficiency.

We understand that even minimal increases in the cost of gasoline are of importance to the American public. That is why EPA conducted extensive refinery modeling to understand the cost impacts of a variety of fuel requirements. As a result, the only fuel requirement we are considering for Tier 3 is one that would lower the amount of sulfur in gasoline. As with lead, sulfur in fuel impairs the functioning of emission control equipment. By focusing only on sulfur requirements in Tier 3, we estimate the costs to be approximately one penny per gallon in 2017, an estimate that is supported by a recent study by Mathpro.

Your letter expressed concern about the regulation's potential effects on the refining industry and gasoline supply. Let me assure you that as many as 17 refineries are already able to meet the 10 ppm sulfur standards we are considering, and some are currently producing and exporting to

European countries gasoline that meets this standard (which is also required in places like Japan, South Korea, and a number of other countries). The regulatory flexibility we intend to build into the Tier 3 standards, similar to the flexibility we provide in our current fuel programs, will ensure that the Tier 3 standards under consideration would not cause refinery closures or negatively impact gasoline supply.

Your letter points to the need for thorough scientific, cost, and benefits analyses before proceeding. Let me assure you and your colleagues that we agree that this major rule requires robust and transparent analyses of air quality, technological feasibility, and costs, as well as potential benefits. As we continue to develop the proposed rule, which has not yet been published for comment, we are conducting and documenting a wide range of analyses in all of these areas.

Your letter also asks that the public should be allowed to consider the results of the antibacksliding study required under the Energy Independence and Security Act. I want to emphasize that the Tier 3 rule is independent of the anti-backsliding study required by sections 211(q) and 211(v) of the Clean Air Act. The Tier 3 rule is focused on vehicle emissions standards in response to our obligations and authority under section 202(a) and the fuel necessary to enable them in response to our obligations and authority under section 211(c). In contrast, the anti-backsliding study will examine the broader issues related to impacts of renewable fuels, and it is required as a prerequisite to regulations under section 211(v). The anti-backsliding study will not affect any decisions about gasoline sulfur, which are being informed by a thorough analysis of the impact of gasoline sulfur on vehicle emissions and the air quality benefits of reduced motor vehicle emissions. We are not promulgating standards under section 211(v) in the Tier 3 rulemaking.

Regarding the refinery sector rule, we agree that thorough analysis of available data is crucial in the generation of common sense emission control standards. We have worked diligently to evaluate and analyze data received through the Information Collection Request. We have taken and will continue to take into consideration the perspective and input of stakeholders as we strive to develop a reasonable rulemaking that will achieve meaningful and cost-effective pollution reductions in the refining industry.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Gina McCarthy

Assistant Administrator

Re: Scanned Itrs

Patricia Haman to: Michael Johnson

03/19/2012 05:58 PM

Thanks for letting me know. Pat

From: "Johnson, Michael (Begich)" [Michael_Johnson@begich.senate.gov]

Sent: 03/19/2012 09:51 PM GMT

To: Patricia Haman

Subject: RE: Scanned ltrs

For what it's worth, I received our copy through both emails. Thanks. -MJ

From: Patricia Haman [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Monday, March 19, 2012 5:25 PM

To: Hackett, Jonathan (EPW); Clifford, Brian (Barrasso); Craddock, Elizabeth (Landrieu); Hughes, Brian

(Energy); Zumwalt, Bryan (Vitter); Johnson, Michael (Begich)

Subject: Fw: Scanned Itrs

My apologies - my attempt to separate these out on my mac and then send them to you individually did not work. Hopefully all of you can open up these files. Pat

Wuanisha Scales

---- Original Message -----From: Wuanisha Scales

Sent: 03/19/2012 11:39 AM EDT To: Josh Lewis; Patricia Haman

Subject: Scanned ltrs

(See attached file: Barrasso 3-19-12.pdf) (See attached file: Begich 3-19-12.pdf) (See attached file: Inhofe 3-19-12.pdf) (See attached file: Vitter 3-19-12.pdf) (See attached file: Landrieu 3-19-12.pdf) (See attached file: Murkowski 3-19-12.pdf)

Wuanisha Scales U.S. EPA Office of Congressional & Intergovernmental Relations (202) 564-2786 Fw: News Release: EPA to Review Technical Information on Mercury and Air Toxics Standards for New Power Plants/Routine review has no impact on cost or vital health benefits of first national standards for mercury pollution

Patricia Haman

to:

Michael Johnson 07/26/2012 02:52 PM

Cc:

Josh Lewis Hide Details

From: Patricia Haman/DC/USEPA/US

To: "Michael Johnson" <michael johnson@begich.senate.gov>

Cc: Josh Lewis/DC/USEPA/US

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Hi Michael: I got your email. We did not do a briefing on this for the Hill so you did not miss that sort of outreach. Here is what did go out. Josh may be able to provide additional information too. Pat

From: "U.S. EPA" [usaepa@govdelivery.com]

Sent: 07/20/2012 02:51 PM EST

To: Patricia Haman

Subject: News Release: EPA to Review Technical Information on Mercury and Air Toxics Standards for New Power Plants/Routine review has no impact on cost or vital health benefits of first national standards for mercury pollution

CONTACT:

Enesta Jones <u>Jones Enesta@epa.gov</u> 202-564-7873 202-564-4355

FOR IMMEDIATE RELEASE

July 20, 2012

EPA to Review Technical Information on Mercury and Air Toxics Standards for New Power Plants

Routine review has no impact on cost or vital health benefits of first national standards for mercury pollution

WASHINGTON – The U.S. Environmental Protection Agency (EPA) is reviewing technical information that is focused on pollution limits for new power plants under the Mercury and Air Toxics Standards, based on new information provided by industry stakeholders after the rule was finalized. This review, which is not an uncommon step for major standards, will have no impact on the sensible, achievable, and cost-effective standards already set for existing power plants, which will protect millions of families and, especially, children from air pollution. By moving quickly to review the new information, this action will provide greater certainty for five planned future facilities, in Georgia, Kansas, Texas, and Utah, that would be covered by the standards. This review will not change the expected costs or public health benefits of the rule.

EPA's Mercury and Air Toxics Standards, which take advantage of existing flexibilities, are the first national standards to protect American families from power plant emissions of mercury and toxic air pollution like arsenic, acid gas, nickel, selenium, and cyanide. By ensuring that existing power plants install widely available pollution control equipment, the standards will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year. The standards will also help America's children grow up healthier—preventing 130,000 cases of childhood asthma symptoms and about 6,300 fewer cases of acute bronchitis among children each year.

EPA will review monitoring issues related to the mercury standards for new power plants and will address other technical issues on the acid gas and particle pollution standards for these plants. The agency's review will not change the types of state-of-the-art pollution controls new power plants are expected to use to reduce this harmful pollution.

This type of review, known as a "reconsideration," is a routine tool that EPA often uses to ensure that its standards incorporate all relevant information, in cases where information only becomes available after a rule is promulgated. The agency's decision to reconsider the standards for new sources reflects its ongoing commitment to work with industry and other stakeholders to ensure that all of EPA's standards protect public health while being achievable and cost-effective. The agency will follow an expedited, open and transparent process that includes public comment on any proposed changes. The agency will complete the rulemaking by March 2013 and will also use its Clean Air Act authority to stay the final standards for new power plants for three months during this review.

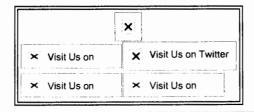
More information: http://epa.gov/mats/actions.html

R126



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This service is provided to you at no charge by <u>U.S. Environmental Protection Agency</u>.



News Release: EPA to Review Technical Information on Mercury and Air Toxics Standar... Page 3 of 3

This email was sent to haman patricia@epa gov using GovDelivery, on behalf of: U.S. Environmental Protection Agency 1200 Pennsylvania Avenue NW Washington DC 20460 202-564-4355

➤ Powered by GovDelivery



some information for you Patricia Haman to: Johnson, Michael (Begich)

Cc: Josh Lewis

03/23/2012 05:12 PM

I am sorry I missed your call again. I think I was on the phone. If you do decide to work this weekend, here is a link to our web page which you may find helpful:

http://www.epa.gov/ozone/title6/phaseout/classtwo.html

And if you are feeling particularly wonky, here is our proposed rule:

http://www.gpo.gov/fdsys/pkg/FR-2012-01-04/pdf/2011-33456.pdf

You may want to skip that and I can have the technical staff give you an oral summary of the proposal.

Here is a link to our program that approves substitutes; I sent this link because I wanted you to see that we approve new substitutes all the time so your constituents may not be aware of all of their options down the road.

http://www.epa.gov/ozone/snap/refrigerants/index.html

Will talk to you next week. Pat

Patricia Haman Office of Congressional and Intergovernmental Relations 202-564-2806



We invite your agency to send a representative or representatives to attend a "Federal Town Hall and Grants Symposium" we are hosting in Anchorage, Alaska, on June 1, 2011. The purpose of this event is to educate Alaskans on federal agencies' top issues and grant opportunities, particularly those pertaining to the unique needs of Alaska communities.

With the current moratorium on Congressionally-directed spending items in annual appropriations bills, we feel it is important Alaskans be adequately informed about the federal grant programs already available and the proper steps to qualify for and obtain grant funds.

A number of federal agencies have been invited to the Town Hall and we hope each one will send representatives to host a booth, provide information for distribution, and be available to answer questions specific to the grant process for their respective agencies. Representatives are also invited to give a brief presentation to attendees about their agency's priorities and grant opportunities. The event will run from 11 a.m. – 5 p.m. at the Dena'ina Center in downtown Anchorage. Materials for booth set-up, including tables, will be provided.

For questions and to confirm your attendance, please contact Evan Ryser, Senator Lisa Murkowski's Grant Coordinator at (202) 224-3794 or at Evan Ryser@murkowski.senate.gov. As the event draws closer, you may also contact Clare Boersma, Senator Mark Begich's Grant Coordinator at (907)271-5915 or email at Clare Boersma@begich.senate.gov for site-specific questions.

We appreciate your willingness to help us in our efforts to highlight federal agency priorities in Alaska and funding opportunities for Alaskans.

Cordially,

United States Senator

United States Senator

United States Congressman

12-000-3208

United States Senate

WASHINGTON, DC 20510

February 17, 2012

The Honorable Ray LaHood Secretary Department of Transportation 1200 New Jersey Ave, SE Washington, DC 20590 The Honorable Lisa Jackson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20460

Dear Secretary LaHood and Administrator Jackson:

We are writing to express our support for your efforts to establish a coordinated national program for fuel economy and emissions standards for model year 2017 to 2025 cars, light trucks, and SUVs. The proposed regulations will increase nationwide fleetwide fuel economy to 54.5 miles per gallon by 2025. The standards will implement Federal law in a manner that provides industry with certainty, saves consumers billions of dollars at the pump, reduces our dependence on oil, and improves the health of American communities.

These proposed regulations implement the policies set forth in the 2007 Ten in Ten Fuel Economy Act (Title I of Public Law 110-140) in a manner supported by many automotive manufacturers, as well as the labor and environmental community. Industry groups such as the National Association of Manufacturers praised the agreement on the proposed standards as a "positive step." The regulatory certainty created by this proposal, which unifies state and Federal regulations into a single regime, will help automakers to design and build advanced technology vehicles and compete in an increasingly global marketplace. In addition, the "mid-term" review for the model year 2022-2025 standards will require your agencies to evaluate whether the stringency required in the second phase of the program is still appropriate or whether the standards should be revised upwards or downwards.

The proposed standards have broad industry support, but they will also reduce petroleum use and pollution on an aggressive schedule, as Congress required in the 2007 statute. As the latest Energy Information Administration's Annual Energy Outlook has concluded, increases in fuel economy have contributed to our declining dependence on oil imports.

Further progress will be made with the implementation of the proposed standards, which taken together with the recently adopted standards for model years 2012 to 2016, will remove the need for as much as 3.8 million barrels of petroleum per day by 2030. Consumers will save thousands of dollars at the pump over the lifetime of their vehicles, and both our economy and our security will be less dependent on imported oil.

We appreciate your efforts to achieve your statutory mandates of reducing oil use and pollution in a manner that will allow the automobile industry to grow and thrive. We encourage you to continue working with stakeholders to attain the critical national objectives of reduced pollution. improved energy security, and lower consumer gasoline costs while reducing compliance costs.

Sincerely,

Dianne Feinstein

United States Senator

last Leven

Carl Levin United States Senator

United States Senator

United States Senator

Debbie Stabenow United States Senator Robert Merendez
United States Senator

Tom Harkin United States Senator

Christopher A. Coons United States Senator Richard J. Durbin
United States Senator

Patrick J. Leahy
United States Senator

Joseph I. Lieberman United States Senator

Jack Reed United States Senator Sheldon Whitehouse United States Senator

Bill Nelson

United States Senator

Michael F. Bennet United States Senator

Munga

Barbara Boxer

United States Senator

United States Senator

United States Senator

Ron Wyden United States Senator ailat Ohmen! Richard Blumenthal United States Senator

United States Senator

United States Senator

John F. Kerry United States Senator

Mark Udall

United States Senator

United States Senator

Mark Begich
United States Senator

Sherrod Brown United States Senator

Showed Brown

Amy Klobuchar United States Senator Jon Tester United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY - 8 2012

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter of February 17, 2012, co-signed by 29 of your colleagues, regarding the U.S. Environmental Protection Agency and National Highway Traffic and Safety Administration (NHTSA) joint proposed rule for fuel economy and greenhouse gas (GHG) emissions standards for model year (MY) 2017 to 2025 passenger cars and light trucks. We appreciate your support and value your interest in these standards, and have added your letter to our administrative docket for the rulemaking.

As you note in your letter, the proposed rule would provide auto manufacturers with the certainty needed to make long-term investments in advanced technology vehicles. Also, this would ensure that all manufacturers can build a single fleet of U.S. vehicles that would satisfy requirements of both federal programs as well as California's program, thus helping to reduce costs and regulatory complexity while providing significant energy security and environmental benefits. On July 29, 2011, President Obama announced the support of 13 manufacturers representing over 90 percent of vehicle sales, as well as the United Auto Workers (UAW) and the State of California, to pursue the next phase in the national vehicle program.

The proposed MY 2017-2025 standards are projected to save approximately 4 billion barrels of oil and 2 billion metric tons of GHG emissions over the lifetimes of those light duty vehicles sold in MY 2017-2025. The agencies estimate that fuel savings will far outweigh higher vehicle costs, and that the net benefits to society of the MYs 2017-2025 National Program will be about \$421 billion (assuming a 3 percent discount rate) over the lifetimes of those vehicles sold in MY 2017-2025. These proposed standards would have significant savings for American families at the pump. Higher costs for new vehicle technology will add, on average, about \$2,000 for consumers who buy a new vehicle in MY 2025. Those consumers who drive their MY 2025 vehicle for its entire lifetime will save, on average, about \$6,600 (assuming a 3 percent discount rate) in fuel savings, for a net lifetime savings of about \$4,400 -- assuming gasoline prices remain at essentially current levels.

Your letter expressed support for including a "mid-term" review of the 2022-2025 requirements. Given the long time frame at issue in setting such standards, and given NHTSA's obligation to conduct a separate rulemaking in order to establish final standards for vehicles for those model years,

EPA and NHTSA are proposing to undertake a comprehensive mid-term evaluation and agency decision-making process. As part of this undertaking, we will develop and compile up-to-date information for the evaluation, through a collaborative, robust and transparent process, including public notice and comment. The comprehensive evaluation process will lead to final action by both agencies.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina McCarthy

Assistant Administrator

WASHINGTON, DC 20510

December 13, 2012

The Honorable Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW, Room 3000
Washington, DC 20460

Dear Administrator Jackson:

We ask you to create a pilot program reducing harmful cruise ship emissions while in port but also allowing the use of conventional marine fuels in remote areas. This would both protect the public health benefits of the North American Emission Control Area (ECA) and address the serious economic challenges these new rules present to the cruise industry.

As you are aware, the initial implementation of the ECA went into effect August 1, 2012. More steep and costly emission requirements begin January 2015.

Any federal rule increasing transportation costs to our geographically disadvantaged states has to be examined closely. We expect agency policy-makers to balance the costs incurred by operators of large vessels with the need to reduce harmful emissions through the use of lower-sulfur fuel when inside the ECA. Both Alaska and Hawaii remain dependent on frequent shipments of consumer goods from the contiguous 48 states. In addition, our economies rely in large part on tourism, including a large number of cruise ship passengers.

When the EPA proposed the boundaries of the North American ECA in 2009, several of us wrote you questioning if the appropriate science had been done to support such a large geographical designation and whether sufficient flexibility existed to accommodate innovative emission reduction approaches already in use and more immediately available to the marine transportation sector. To date, progress is mixed.

We are pleased with the work of EPA, the U.S. Coast Guard and a number of industry stakeholders to address ECA compliance in parts of the shipping sector. In particular, we salute the multi-agency collaboration with Totem Ocean Trailer Express (TOTE) to provide short-term relief from compliance with the ECA as it retrofits ships to use low-cost and clean-burning liquefied natural gas (LNG).

TOTE's agreement will be the first major use of LNG as a ship fuel in the United States and should help insulate Alaskans from increased shipping costs while providing even

The Honorable Lisa Jackson December 13, 2012 Page 2

higher emission reductions than ECA requires over the long term. In addition, TOTE's owner company has recently announced the commissioning of up to 5 new LNG-fueled cargo ships and, hopefully, others will follow the trail TOTE is blazing, leading to even greater improvements in shipping economy, jobs in U.S. shipyards, air quality, and markets for natural gas. This type of innovative thinking, coupled with regulatory flexibility, is what we need to be doing.

Unfortunately, the cruise industry, a central feature of our economies, has fewer cost-effective options under the ECA rule as implemented. Because cruise ships often work different routes across the globe throughout the year, converting to LNG is not a viable option when LNG fueling stations are not available in many ports, especially compared to the infrastructure on container shippers' fixed routes.

The cruise industry has proposed an innovative pilot-program in which it would achieve the same public health benefits that continuously burning ECA-compliant fuel would achieve, but would have the flexibility to use population-weighted averaging to achieve those standards. They would use shore-power or ultra-clean fuel while in port where emissions have the biggest population impact and use more cost-effective fuels while in remote areas.

If the EPA fails to allow this pilot program, we are concerned that cruise prices would rise dramatically, which would reduce bookings and devastate our coastal communities which rely on robust tourism. We encourage you to demonstrate the same forward-thinking regulatory flexibility with the cruise ships that you did with TOTE and the container shippers.

Thank you again for your leadership on this issue. Please feel free to contact me on this or any other issue.

Sincerely,

Mark Begich

United States Senator

Daniel K. Inouse United States Senator Daniel K. Akaka United States Senator

09-600-0152

United States Senate

WASHINGTON, DC 20510

January 5, 2009

United States Environmental Protection Agency Mr. Stephen L. Johnson, Administrator Ariel Rios Federal Building 1200 Pennsylvania Avenue, NW Washington, D.C. 20460

Dear Administrator Johnson:

We are writing to ask your assistance in providing a waiver of the volume cap for small refiner non-road locomotive and marine (NRLM) and heating fuels for the North Pole Refinery owned and operated by Petro Star Inc.

As you may know, the Petro Star Valdez Refinery ("PSVR") experienced a severe fire on December 28, 2008. As a result the refinery is shut down and will remain so until a full investigation is complete, and Petro Star is able to rebuild lost infrastructure. This loss in Alaska instate fuel production warrants the issuance of a waiver to ensure that statewide fuel requirements are satisfied in 2009.

We believe that such a waiver is appropriate and vital to both Petro Star's and Alaska's well being. Prior to the fire, Petro Star was trucking approximately 1,000 barrels per day of NRLM and heating oil from Valdez to interior Alaska, in order to maintain compliance with the North Pole refinery's volume cap while still meeting this region's fuel demands. Over the last several days interior Alaska has experienced extremely cold temperatures of -400F and temperatures are expected to dip even further as winter continues.

Allowing the North Pole Refinery to access the PSVR cap would allow Petro Star, Inc. to supply its refined fuels to Interior and Southcentral Alaska homeowners and businesses in the most efficient manner possible, thus minimizing the potential for added consumer costs. It would not result in increased Petro Star, Inc. production and it would not result in any increase in the production or use of NRLM and heating oil. It would straightforwardly allow the North Pole refinery's 45 million gallons per year cap to be increased by an amount not to exceed the Valdez cap. If the EPA fails to grant a waiver allowing the North Pole

refinery to meet the demand met by Valdez prior to the fire, the North Pole facility's NRLM and distillate fuels volume cap will be reached in mid-March. This will leave Petro Star with zero ability to produce NRLM, heating, and other distillate fuels consumed in Alaska with well over a month of winter remaining, and more than three months before the start of a new volume cap period (July 1st to June 30th).

A "pooling waiver" would not contribute to an increase in atmospheric pollution; no more NRLM and distillates fuels would be produced than would have been absent the fire and absent any action by EPA. This end result would be analogous to the purchase of sulfur credits for the North Pole refinery except that it would not entail burdening Petro Star with additional costs while it is struggling to rebuild after the fire and to install the capacity at Valdez to produce ultralow sulfur diesel fuels. In light of the circumstances, we believe that the needless imposition of such additional costs would be unfair and could only lead to two consequences, each of which would be bad policy. If Petro Star were able to pass on the cost of sulfur credits to its customers, Alaskans, who already pay the highest fuel prices in the nation, would suffer. If Petro Star were unable to do so, it would itself incur additional expense at a time when it can least afford to. This situation seems to us to be an outstanding example of why the agency has waiver authority.

As winter continues, Petro Star will need the flexibility afforded by the waiver to provide necessary fuel to keep our residents safe and warm. Thank you for your immediate attention to our request. If you have any question please feel free to call us.

Sincerely,

The Alaska Congressional Delegation

Congressman Don Young

Cc: Mr. Chris McKenna, US. Environmental Protection Agency;

mckenna.chris@epa.gov

Mr. Erv Pickell, U.S. Environmental Protection Agency; pickell.erv@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 3 0 2009

The Honorable Mark Begich United States Senate Washington, D.C. 20510

OFFICE OF AIR AND RADIATION

Dear Senator Begich:

Thank you for your letter dated January 5, 2009, supporting the request submitted by Petro Star, Inc. (Petro Star) to the U.S. Environmental Protection Agency (EPA) for a waiver of its small refiner volume cap for heating oil and nonroad, locomotive and marine (NRLM) diesel fuel under the Diesel Sulfur Program (40 CFR Part 80, Subpart I). This important program is designed to significantly reduce emissions of particulate matter, nitrogen oxides, and sulfur oxides from diesel engines. Diesel fuel sulfur reductions of more than 99 percent from existing levels will provide significant health benefits as well as facilitate the introduction of highericiency catalytic exhaust emission control devices as these devices are damaged by sulfur.

Our Diesel Sulfur Program includes provisions in 40 CFR 80.561 allowing refiners to seek temporary relief from the requirements in Subpart I, in appropriate extreme, unusual, and unforeseen circumstances (for example, natural disaster or refinery fire) which are clearly outside the control of the refiner and which could not have been avoided by the exercise of prudence, diligence, and due care. EPA may permit a refiner or importer, for a brief period, to distribute motor vehicle diesel fuel or NRLM diesel fuel which does not meet the requirements of this subpart if it is in the public interest to do so (e.g., distribution of the nonconforming diesel fuel is necessary to meet projected shortfalls which cannot otherwise be compensated for).

On December 30, 2008, Petro Star submitted a request to EPA for relief from the small refiner volume cap at their North Pole refinery. EPA has carefully considered all of the information in this request for hardship relief, along with additional information provided by Petro Star. EPA has also contacted other fuel suppliers that also serve the same areas served by Petrostar to determine their capability to supply additional fuel, a standard step in EPA's evaluation of any hardship relief request. After careful consideration, we will not be granting hardship relief at this time, due to the ability of other refiners to supply additional fuel in quantities that are sufficient to compensate for the loss of production capacity as a result of the fire at Petro Star's Valdez refinery. However, we will continue to monitor the supply of distillate fuel in Alaska in order to determine whether hardship relief or other Agency action may be necessary in the future to maintain adequate supply. We have been in contact with Petro Star since the date of their request, and have requested that they provide us with any new or additional information regarding changes in Alaska's fuel supply, as well as any updates they can provide on repairs to the Valdez refinery. EPA will act promptly if we determine that a supply shortage is imminent.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-3668.

Sincerely,

Elizabeth Craig

Acting Principal Deputy Assistant Administrator

Elizabeth Garg



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY - 4 2010

THE ADMINISTRATOR

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

I am pleased to invite you to attend a ceremony and luncheon in honor of the 2009 President's Environmental Youth Awards (PEYA) regional winners. Young people in all 50 states and the U.S. territories are invited to participate in the program, and one winner from each of the Environmental Protection Agency's (EPA) 10 regions is selected each year.

The PEYA National Awards Ceremony and luncheon will be held in the Grand Ballroom of the Willard InterContinental Hotel, 1401 Pennsylvania Avenue, N.W., on May 20, 2010. The ceremony will begin at 10:00 a.m. and I will present the students with engraved plaques to celebrate their achievements. A brief description of the winning project in your state is enclosed. We are also looking forward to a lively performance from Earth's Natural Force, a multicultural, inner-city youth group dedicated to environmental sustainability. The luncheon will follow at 11:45 a.m., when you will have the opportunity to meet informally with the winners and view their project exhibits. We are excited to feature Philippe Cousteau, co-founder of EarthEcho as well as Jacques Cousteau's grandson, as our guest speaker.

The PEYA program promotes awareness of our nation's natural resources and encourages positive community involvement. This tradition is celebrated every year by the EPA to recognize young people across the United States for initiating and leading projects that protect our nation's air, water, land and ecology. Each year, the PEYA program honors a variety of environmental projects developed by young individuals, school classes, summer camps, public interest groups and youth organizations.

I hope you will be able to join your colleagues, constituents, and me in honoring these outstanding award recipients. If you have any questions or would like to RSVP for the ceremony or lunch, please contact Clara Jones in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701 or jones.clara@epa.gov by May 12, 2010.

Lisa P Jackson

Enclosure

Region 10

No More Trash Talk: Let's Clean Up Our Act

EcoLogical (Hannah Baird, Addoris Davis, Taylor Ellison, and Katherine Dolma)
Homer, Alaska

A group of junior high students in Homer, Alaska, formed EcoLogical to reduce local waste when they learned that their local landfill would be full by 2013. The group partnered with the Kenai Peninsula Borough School District and the Homer Middle School Site Council to reduce the weekly waste volume generated at the Homer Middle School.

Within 30 days, the girls convinced Kenai Peninsula Borough Waste Management to recycle tin cans, and they proposed eliminating the use of Styrofoam trays at their school cafeteria. The group has helped reduce the use of the non-recyclable Styrofoam trays; the school is now using reusable plastic trays and has set up a recycling area in the lunchroom. After the first week, the school reduced the amount of trash disposed in the landfill from eight bags of trash per week to only four, cutting waste by 50 percent. In 3 weeks, the average recycling went from 36 pounds per week to 120 pounds per week. After a year, EcoLogical estimated that it prevented 2,000 Styrofoam trays from being tossed in the local landfill.

The EcoLogical group also wanted to create awareness in the community about reducing, reusing, and recycling. The youth distributed information through local newspaper and radio interviews, YouTube, Facebook, and a fashion show. Their "Trash into Fashion" show was attended by more than 120 local recycling designers, models, and audience members. This approach made recycling fun for all ages. Local artists designed dresses made out of bread bags, newspapers, magazines, plastic sacks, and even juice pouches. The students worked with local governmental organizations to provide space for the fashion show, with the school board to encourage district-wide recycling, and with



EcoLogical members raised awareness about reducing, reusing, and recycling through innovative outreach projects such as the "Trash into Fashion" show.

local environmental organizations to promote reducing, reusing, and recycling.

Recently, the Kenai Peninsula Borough dedicated \$20,000 to increase recycling in the town of Homer. The team continues to work with the school district warehouse to encourage the availability of recyclable products for all district schools.

10-601-6198

United States Senate

WASHINGTON, DC 20510

September 24, 2010

The Honorable Lisa Jackson. Administrator U.S. Environmental Protection Agency Ariel Rios Building, Mail Code: 1101A 1200 Pennsylvania Avenue, NW Washington, DC 20460

Dear Administrator Jackson:

We are writing to express our concern about the EPA's proposed Maximum Achievable Control Technology (MACT) rules, including the so-called Boiler MACT and CISWI MACT, which were published in the Federal Register on June 4, 2010. As our nation struggles to recover from the current recession, we are deeply concerned that the pending Clean Air Act boiler MACT regulations could impose onerous burdens on U.S. manufacturers, leading to the loss of potentially thousands of high-paying jobs this sector provides. As the national unemployment rate hovers around 10 percent, and federal, state, and municipal finances continue to be in dire straits, our country should not jeopardize thousands of manufacturing jobs. The flow of capital for new investment and hiring is still seriously restricted, and the projected cost of compliance could make or break the viability of continued operations. Both small and large businesses are vulnerable to extremely costly regulatory burdens, as well as municipalities, universities and federal facilities.

The EPA's regulatory analysis understates the significant economic impacts of the proposed rule. For example, the impact will be substantial to small businesses, such as sawmills, which have large boilers. In addition, EPA has concluded that no additional large biomass fired boilers will be built in the United States, indicating the cessation of the domestic biomass industry. As a result, we are rightly concerned that the proposed standards appear to create serious obstacles to the development of biomass energy projects, which have the potential to significantly reduce air pollution and production of greenhouse gases. Further, we are concerned that if adopted as currently proposed, the boiler MACT rules would discourage the current use of wood biomass in wood, pulp, and paper facilities, and most likely result in significant job losses in these industries. While we support efforts to address serious health threats from air emissions, we also believe that regulations can be crafted in a balanced way that sustains both the environment and jobs.

In Section 101 of the Clean Air Act, Congress declared that one of the fundamental purposes of the Act is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." Congress provided EPA with discretion in certain areas to carefully design regulations that protect health and the environment while promoting the productive capacity of the nation. We are writing today to ask that you exercise this discretion in completing the MACT rulemakings. We understand that the Boiler MACT rule alone could impose tens of billions of dollars in capital costs at thousands of facilities across the country. The CISWI rule would have devastating impact on the biomass industry. Thus, we appreciate your willingness, as expressed in your

responses to previous Congressional letters, to consider flexible approaches that appropriately address the diversity of boilers, operations, sectors, and fuels that could prevent severe job losses and billions of dollars in unnecessary regulatory costs.

To help reduce the burden of the rule in a manner that does not compromise public health and safety, we believe EPA should consider exercising the "health threshold" discretion that Congress provided under Section 112(d)(4) of the Act. Under this section of the law, for emissions that are considered safe to human health in concentrations that fall below an established threshold, EPA may use this risk information to set emissions standards. In reaching your final decision, we ask that you carefully consider the extensive record that supported the Agency's determination to include health-based emissions limitations for hydrogen chloride and manganese in the previous Boiler MACT rulemaking that was set aside by the reviewing court on wholly unrelated grounds.

EPA also should use a method to set emissions standards that are based on what real world best performing units actually can achieve. It is our understanding that the EPA emissions database does not truly reflect the practical capabilities of controls or the variability in operations, fuels and testing performance across the many regulated sectors and boilers. especially in light of the proposal's reliance on surrogates, such as carbon monoxide - a pollutant with wide variability in actual boiler operation especially from biomass-fired boilers. In addition, the Clean Air Act also provides EPA with broad discretion to subcategorize within a source category based on size, type and class of source to help ensure that the emission limitations are determined based on what real world best performing units can ultimately achieve in practice. We do not believe that EPA has fully exercised its responsibility to subcategorize the numerous types and combinations of boilers and fuels. In particular, we urge you to carefully consider how the regulations can promote energy recovery from renewable, alternative fuels such as biomass. Finally, we urge you to consider how work practices for all gas-fired units, such as biogas and land fill gas fired boilers, could avoid the increase in emissions (e.g., NOx and CO2) and energy use that would result from the numerous control technologies required with no guarantee of actually achieving the emission limits.

As EPA turns to developing final MACT rules, we hope you will carefully consider these recommendations and comments to protect the environment and public health while fostering economic recovery and jobs.

Sincerely,

Mary L. Landrieu

U.S. Senator

Susan M. Collins

U.S. Senator

Ron Wyden U.S. Senator	Lamar Alexander U.S. Senator
Evan Bayh U.S. Senator	George V. Volnovich U.S. Senator
Patty Muraly U.S. Senator	Olympia Showe U.S. Schator
Blanche Lincoln U.S. Senator	Kit Bond U.S. Senator
Robert Casey U.S. Senator	Bob Corker U.S. Senator
Any Klobuchar U.S. Senator	Richard Shelby U.S. Senator
Mark Pryor U.S. Senator	Roger Wicker U.S. Smator
Mark Begich U.S. Senator	Saxby Chambiss U.S. Senator

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Claire McCaskill U.S. Senator	James Risch U.S. Senator
Mark Warner U.S. Senator	Richard Burr U.S. Senator
U.S. Senator	Mike Crapo U.S. Senator
Daniel Inouye U.S. Senator im Webb U.S. Senator	Tom Coburn U.S. Senator Jew Sessions U.S. Senator
Le Bargie Byleson U.S. Senator	James Inhofe U.S. Senator
July A. Markley U.S. Senator	Thad Cochran U.S. Senator
Lindsey Graham U.S. Senator	Johnny Lakson U.S. Senator

Herb Kohl
U.S. Senator

Town Cormyn
U.S. Senator

Town U.S. Senator

Town U.S. Senator

Scott Brown
U.S. Senator

Kay Hagan
U.S. Senator

cc: Regina McCarthy, Environmental Protection Agency
Robert Perciasepe, Environmental Protection Agency
Cass Sunstein, Office of Management and Budget
Thomas Vilsack, Department of Agriculture
Gary Locke, Department of Commerce
Lawrence Summers, National Economic Council
Jeffery Zients, Acting Director, Office of Management and Budget
Ron Bloom, Department of the Treasury
Nicole Lamb-Hale, Department of Commerce
Melody Barnes, Domestic Policy Council
James Messina, Executive Office of the President
Philip Schiliro, Executive Office of the President
Cecilia Munoz, Executive Office of the President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 2 8 2010

THE ADMINISTRATOR

The Honorable Mark Begich United States Senate Washington, D.C. 20515

Dear Senator Begich:

Thank you for your recent letter about the proposed standards for controlling hazardous air emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP") and about the proposed standards for commercial and industrial solid waste incinerators ("CISWI Rule"). You raise important concerns, which I take very seriously.

As you know, the rulemakings at issue are not discretionary. In Sections 112 and 129 of the Clean Air Act, Congress directed the U.S. Environmental Protection Agency ("EPA") to establish these standards. EPA issued the proposals after many years of delay, and in order to meet a deadline ultimately set by the U.S. District Court for the District of Columbia.

Many of the facilities in question are located in very close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons respectively.

Each year, those reductions in air pollution will avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

Section 112 of the Clean Air Act directs EPA to calibrate the standards for each subcategory of facility to the emissions control that the best-performing twelve percent of existing facilities in that subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive many data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to

delineate subcategories and calculate standards that fully reflected operational reality. The agency nevertheless was legally required to publish proposed subcategories and standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA is now learning things that it did not know before about the particulars of affected sectors and facilities. The final standards will reflect the agency's new learning, and that is how the rulemaking process is supposed to work. In fact, EPA is so committed to ensuring that the final standards will reflect all of the relevant information received during the public comment period that the agency has just sought and obtained from the District Court a one-month postponement, until January 16, 2011, of the deadline for issuing the final Boiler NESHAP. EPA is taking the necessary time to get the final standards right.

Businesses that burn biomass in their boilers and process heaters are particularly worried that the limited information underlying EPA's proposed subcategories and standards might cause many boilers that currently burn renewable biomass to shut down entirely or to convert to burning non-renewable fossil fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards. In your letter, you reference EPA's projection regarding new major-source boilers that burn biomass. That projection, which comes originally from the Energy Information Administration ("EIA"), is not based on the Boiler NESHAP or the CISWI Rule. Neither EPA nor EIA is projecting that these rules will cause anything like the cessation of the domestic biomass industry.

While many businesses are pleased that EPA solicited comment on using Section 112(d)(4) of the Clean Air Act to set a health-based standard (as opposed to a purely technology-based standard) for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

The pollution control equipment that limits emissions of hydrogen chloride also happens to limit emissions of other highly toxic air emissions, including acid gases. Thus, while a health-based standard might be justified for hydrogen chloride in isolation, EPA needs to consider the ramifications of such an alternative for the control of other highly toxic pollutants. With that said, EPA has taken note of the public comments on the establishment of a health-based standard. Several stakeholders commented, for example, that most biomass might contain less acid gas than most fossil fuels, potentially making biomass-fired boilers and process heaters better candidates than fossil fuel-fired ones for a health-based standard. EPA will carefully evaluate the substance and relevance of those comments, as well as any additional data submitted during the public comment period, before making a final decision on the establishment of any health-based standard.

In recent weeks, two industry trade associations issued two separate presentations, each claiming that the Boiler NESHAP and CISWI Rule would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

Perhaps the most important observation to make about the two associations' claims, however, is that they pertain to a proposal, rather than to a final EPA action. For reasons stated earlier in this reply, the final standards will most assuredly differ from the proposed ones. The differences will demonstrate EPA's intent focus on making the regulatory subcategories appropriately reflect industrial variation in the real world, and on aligning the standards in each subcategory with the performance that real-world conditions prove are already achievable. The Clean Air Act does not place our need to increase employment in conflict with our need to protect public health. EPA's final standards will not either.

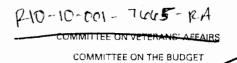
Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact David McIntosh in EPA's Office of Congressional and Intergovernmental Relations.

Lisa P. Jackson

COMMITTEE ON ARMED SERVICES

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

MARK BEGICH



United States Senate

WASHINGTON, DC 20510

September 30, 2010



Ms. Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, DC 20460

Dear Administrator Jackson:

Thank you for taking the time to speak with Fairbanks North Star Borough Mayor Luke Hopkins earlier in the summer about the challenges the Fairbanks community faces in meeting your agency's date for attaining compliance with PM_{2.5} standards.

As you heard from him in the call and his letters, the Borough is making a good faith effort in its attainment plan, but has limited options for reducing particulate emissions to meet a more stringent standard.

Given the unique conditions associated with Fairbanks winter weather, I would appreciate it if your agency would continue its collaboration with the Borough to develop a workable fine particulate emission model to enable the evaluation of the benefits of alternate pollution control strategies. My staff is available to assist you in any way possible.

I know how demanding your schedule is, but I hope you can make another trip to Alaska and include Fairbanks on your itinerary as well as other communities in which there are matters pending that pertain to the Environmental Protection Agency.

Thank you again for time and consideration of this issue.

Sincerely.

Mark Begich

United States Senator

cc: Mayor Luke Hopkins

Dennis McLarren, EPA Region 10 Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, Washington 98101-3140

NOV 0 1 2010

OFFICE OF THE REGIONAL ADMINISTRATOR

Honorable Mark Begich United States Senator Suite SR-144 Russell Building Washington, DC 20510

Dear Senator Begich:

Thank you for your letter dated September 30, 2010 addressed to EPA Administrator Lisa Jackson regarding Fairbanks North Star Borough's efforts to comply with the fine particulate matter (PM_{2.5}) standards. Administrator Jackson asked that I respond on her behalf. The Administrator and I are impressed by the actions the Borough of Fairbanks has taken to improve air quality in the area, especially the passage of Ordinance 2010-28 which promotes replacing older, inefficient woodstove with newer, clean burning stoves. Initiatives such as the woodburning ordinance will have a positive impact on the air quality and public health status of the citizens of Fairbanks.

As we are closely engaged with the Borough and the State of Alaska on development of an understanding of the air pollution sources and consequent mitigation of such pollution, we are fully aware of the wholehearted effort of the Mayor and his staff in restoring the area's public health status. Because conventionally available EPA atmospheric models do not represent weather conditions in Fairbanks well, we are engaged in modifying meteorological models to represent Fairbank's severe meteorology through a \$200,000 Regional Applied Research Effort (RARE) grant from EPA. The model will assist in simulating the sources of pollution and testing of the level of reductions needed to attain the PM_{2.5} standards. After the modifications to the modeling system are complete, these tools will be transferred to the Borough and State to analyze and mitigate air pollution in Fairbanks.

I also note and appreciate your offer of help. We will certainly benefit from your insight and experience in Alaska when it comes time to implement measures to reduce air pollution after the analysis is complete. Additionally, I will call the Mayor in the next few weeks, extend our full staff support and share our expertise in identifying and rectifying air pollution so that the people in Fairbanks can enjoy clean air and a great quality of life in the great State of Alaska.

If you have any additional questions or concerns, please call me at 206-553-1234, or have your staff contact Mr. Krishna Viswanathan at 206-553-2684.

Sincerely,

Dennis J. McLerran Regional Administrator

11-002-0802

Congress of the United States

Washington, DC 20510

December 14, 2011

The Honorable Lisa Jackson, Administrator U.S. Environmental Protection Agency Ariel Rios Federal Building 1200 Pennsylvania Ave., NW, Room 3000 Washington, DC 20460

Re: 40 CFR 63 Subpart ZZZZ Rules on air quality under NESHAP RICE

Dear Administrator Jackson:

As members of the Alaska Congressional Delegation, we ask you to re-examine and modify the definition governing which rural Alaska communities must meet a higher and more expensive standard under the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (NESHAP RICE). It is our understanding that EPA is considering changes to the NESHAP RICE regulations in order to address a petition on stationary diesel generation used for emergency backup. We ask you to also consider changes to the rule for rural Alaska utilities during this process.

The NESHAP RICE regulation as finalized in August 2010, under 40 CFR 63, Subpart ZZZZ, generously excludes "areas of Alaska not accessible by the Federal Aid Highway System (FAHS)." However, a number of Alaska communities on the Alaska road system or served only by the Alaska Marine Highway System share the same characteristics as those excluded from the rule. We suggest a more equitable and cost-effective rule would amend this definition to exempt all non-Railbelt power grid communities in Alaska from the new NESHAP RICE regulation.

Utilities throughout most of rural Alaska share a reliance on stationary diesel generation for base-load or backup generation. In addition, those utilities are confronted by great distances and high transportation costs for diesel fuel, goods and services; long, cold winters with low levels of light; extremely low customer density and a small number of ratepayers who can share additional costs; and a lack of connection to a major electric grid. Connection to the "Federal Aid Highway System" does not prove the absence of these conditions.

Additionally, rural generation seldom constitutes a significant source of hazardous air pollutants given the small populations served by widely geographically dispersed utility generation facilities. Therefore, these high costs provide little public benefit.

The failure of the current regulation's exemption is clearly seen in small Southeast Alaska communities "accessible" by one scheduled visit per month in the winter by an Alaska Marine Highway vessel, a component of the Federal Aid Highway System. That ferry stop in no way lowers cost-of-service or provides a larger customer base. Similarly, small,

The Honorable Lisa Jackson December 14, 2011 Page 2

isolated communities on the Alaska and Richardson Highways not connected to the Railbelt grid face the same fundamental challenges.

The three largest communities in Southeast Alaska face a similar issue. While Juneau, Ketchikan and Sitka predominately rely on hydropower, they maintain diesel generation for emergencies, exceptional peak demand and times of low water. The utilities serving these communities may have a few more customers to share the costs but only use diesel generation for short periods of time. Relative to towns in Lower 48 served by the national grid, the costs to comply are extremely high, and all of the issues of distance, cost and extreme climate apply to these communities as well.

A couple of examples illustrate these dramatic costs. The City of Ketchikan, served by the Alaska Marine Highway System, predominately uses hydroelectric power but employs backup diesel generation. It would need to spend an estimated \$1.5 million initially and a few hundred thousand dollars per year to comply with the new standards. This is roughly the equivalent of 25 cents per kilowatt hour, even though its backup generation on average is utilized only 1.18 percent of the year. Both Alaska Power and Telephone Company and Copper Valley Electric Association, which serve small, isolated towns along the Alaska and Richardson Highways, will have to spend hundreds of thousands of dollars each year, raising already high retail rates by at least 6 cents per kilowatt hour, for negligible reductions in pollutant levels.

As a Delegation, we ask EPA to limit the application of the NESHAP RICE regulation to only communities served by the Alaska Railbelt electrical grid. Such a definition will still require communities in the urbanized Alaska Railbelt to comply with the air emission reduction regulations, protecting human health, while avoiding the high costs of compliance with the rules by utilities serving smaller, rural towns statewide. This is a particularly important issue for rural Alaskans given their exceptionally high costs of energy. We sincerely hope the agency will re-examine this issue and accept this more equitable and cost effective application of the rule.

Thank you for considering this request.

Sincerely,

Sen. Lisa Murkowski

Sen. Mark Begich

Congressman Don Young

cc: Dennis McLarren, Regional Administrator, EPA Region 10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 1 2 2012

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter of December 14, 2011, co-signed by two of your colleagues, to Administrator Lisa Jackson, concerning the 2010 final National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE). Specifically, you expressed concern about the impact the final rule will have on utilities in rural areas of Alaska, and asked the U.S. Environmental Protection Agency to limit the applicability of the RICE NESHAP to communities served by the Alaska Railbelt electrical grid. Administrator Jackson asked that I respond to your letter on her behalf.

I understand your concern that these emission standards could impact utilities in rural areas of Alaska that own stationary engines subject to the final rule. As you noted, we recognized the challenges faced by engines located in remote areas of Alaska and created a distinction in the 2010 final rule for engines located in areas of Alaska not accessible by the Federal Aid Highway System (FAHS). We are currently evaluating the issues raised in your letter and are working with affected stakeholders, such as the Alaska Power Association, to gain a better understanding of how the utilities that are accessible by the FAHS but not served by the Railbelt grid face similar challenges to those in areas that are not accessible by the FAHS. Once we obtain this information, we can provide a more definitive response to your letter.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely.

Gina McCarthy

Assistant Administrator

10-000-2781

United States Senate

WASHINGTON, D.C. 20510

February 19, 2010

The Honorable Lisa P. Jackson Administrator Environmental Protection Agency Washington, DC 20460

Dear Administrator Jackson:

We write with serious economic and energy security concerns relating to the potential regulation of greenhouse gases (GHGs) from stationary sources under the Clean Air Act. Ill-timed or imprudent regulation of GHGs may squander critical opportunities for our nation, impeding the investment necessary to create jobs and position our nation to develop and produce its own clean energy. We need a clear understanding of how you view your agency's responsibilities and the processes by which you intend to carry them out in order to represent the workers, industries, taxpayers, and economic interests of our states.

We understand that in order to comply with the 2007 Supreme Court decision in *Massachusetts v. EPA*, your agency issued a determination that greenhouse gases may reasonably be anticipated to endanger public health and welfare. We also understand that this determination, also known as an endangerment finding, is the first step in the rulemaking process for regulation of greenhouse gas emissions from new motor vehicles, which was the subject of *Massachusetts v. EPA*, and we support moving forward with a single national standard for this purpose.

Nevertheless, we remain concerned about the possible impacts on American workers and businesses in a number of industrial sectors, along with the farmers, miners, and small business owners—who could be affected as your agency moves beyond regulations for vehicle greenhouse gas emissions to implement regulations to curtail GHG pollution from stationary sources. We understand that with the endangerment finding in place, the EPA has the obligation to regulate GHG emissions from stationary sources under the Act's prevention of significant deterioration (PSD) provisions related to existing operating permit programs. We have a responsibility to the workers and industries in our states to address both your agency's timetable for the implementation of these stationary source regulations, and what you intend the exact requirements for businesses to be.

As you are undoubtedly aware, there are legislative efforts in the House and Senate seeking to disallow further agency action based on the endangerment finding. As we consider those legislative initiatives and the larger issues of economic stability and carbon regulation, we need clarification from you on a number of key questions to provide certainty to stakeholders in our states who out of necessity must make long-term capital investment decisions. Putting these investments at risk would further destabilize the economy. Therefore, we request that you promptly respond to the following information requests and questions to assist us in taking the proper course of action for our constituents:

- Given the serious nature of potential regulation and businesses' need for certainty, please provide us
 with a precise understanding of when you plan to proceed with any regulation of greenhouse gas
 emissions from stationary sources, and when and how the U.S. Congress would be able to review
 and address these regulations.
- 2) Is it your reading of Senate Joint Resolution 26 (introduced on January 21, 2010) that it would essentially nullify EPA's endangerment finding? If so, how would this affect EPA's ability to regulate both mobile sources as well as stationary sources?
- 3) Please describe what EPA intends to accomplish with the "tailoring rule," which you announced on September 30, 2009. How will this rule affect your implementation of the Clean Air Act on stationary sources of emissions? Do smaller-scale emitters of these gases, from family farms to neighborhood dry cleaners to hospital power plants, need to be concerned with these regulations? What is your assessment of the likelihood of the tailoring rule surviving already announced legal challenges? Currently, PSD regulations are applied to fewer than 400 facilities per year for pollutants such as ozone. How many facilities would be required to obtain permits under GHG regulation under the Clean Air Act?
- 4) In light of the multiple legislative options before Congress related to EPAs endangerment finding, what is EPA's plan to respond to concerns these proposals raise? How would passage of various resolutions affect the agency's ongoing efforts to engage in preparatory work designed to help policymakers understand how future comprehensive climate and energy legislation would affect potentially regulated entities?
- 5) Large electric generators using domestically produced coal and natural gas are uncertain about potential "Best Available Control Technology" or "BACT" standards for carbon dioxide (CO₂). What does EPA expect coal and natural gas plant operators to do if there is no standard? What process will you use to determine such standards and the range of options for such facilities given the pre-commercial standing of current CO₂ abatement technologies such as carbon capture and storage (CCS)?
- 6) There is genuine concern from the domestic oil and gas industries, from entities operating at the wellhead to pipeline operators, processing plants, and refiners, that they will be severely disadvantaged in the world marketplace by stationary source regulations. Can you characterize how these regulations will translate into costs for these industries? Has your agency analyzed or will you consider the impacts on competitiveness that these costs could have on these industries?
- 7) Comprehensive clean energy legislation must ensure a robust US manufacturing base for clean energy production, invest in US research and development of new clean energy technologies, and mitigate costs to energy-intensive and trade-exposed industries. If EPA regulates GHGs for stationary sources, what are the direct and indirect cost implications for industrial sources of Clean Air Act prevention of significant deterioration (PSD) regulations? Has your agency analyzed or will you consider so-called "carbon leakage" and the competitiveness impacts of these costs on these industries? Will your agency publish impact analyses on these critical issues prior to implementing the regulation?
- 8) How would a resolution striking down the endangerment finding affect EPA's ability to provide resources or technical expertise intended to address and adapt to climate change effects, including,

but not limited to: Efforts to analyze climate and weather variability and its effects on agriculture, fisheries, species habitats, and coastal development among communities along the Gulf Coast and elsewhere; research programs related to climate change effects on mountain snowpack throughout the Pacific Coast and Mountain West regions; and the infrastructure, energy, and socioeconomic implications of relocating Alaska communities due to historically unprecedented coastal erosion?

The President and you have been explicit in calling on Congress to pass comprehensive legislation that would enhance our nation's energy and climate security. We strongly believe this is ultimately Congress' responsibility, and if done properly, will create jobs, spur new clean energy industries, and greatly advance the goal of U.S. energy independence. If done improperly, these opportunities could be lost.

Thank you for your attention to this matter. We look forward to your prompt response.

Carly Nacadia



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 2 2 2010

THE ADMINISTRATOR

The Honorable Mark P. Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter of February 19, 2010, concerning the Environmental Protection Agency's (EPA's) work to comply with the Supreme Court's decision in *Massachusetts v. EPA* while providing a manageable path forward for businesses and state governments. I share your goals of ensuring economic recovery at this critical time and of addressing greenhouse-gas emissions in sensible ways that are consistent with the call for comprehensive energy and climate legislation. My full response to your letter appears below and in the enclosed document.

Many of the comments and questions you offer are similar to ones that EPA received during recent public comment periods. As EPA staff works to respond to those comments, I am happy to share information with you here in order to answer the questions in your letter as completely as I can. The decision-making process has moved far enough along that I can make several central points based on modifications I expect to make in finalizing EPA's previous proposals:

- The United States Supreme Court held three years ago in *Massachusetts v. EPA* that greenhouse gases are air pollution and are subject to regulation under the Clean Air Act. EPA must follow the Supreme Court's holding, as you recognize in your letter.
- By April of this year, I expect to take actions to ensure that no stationary source will be required to get a Clean Air Act permit to cover its greenhouse gas emissions in calendar year 2010.
- Based on those anticipated actions, I expect that EPA will phase-in permit requirements and regulation of greenhouse gases for large stationary sources beginning in calendar year 2011. In the first half of 2011, only those facilities that already must apply for Clean Air Act permits as a result of their non-greenhouse gas emissions will need to address their greenhouse gas emissions in their permit applications.
- Further, I am expecting that greenhouse gas emissions from other large sources will phase in starting in the latter half of 2011. Between the latter half of 2011 and 2013, I expect that the threshold for permitting will be substantially higher than the 25,000-ton limit that EPA originally proposed. In any event, EPA does not intend to subject the smallest sources to Clean Air Act permitting for greenhouse-gas emissions any sooner than 2016.

• You asked in your letter what the result would be if Senator Lisa Murkowski's resolution of disapproval of EPA's endangerment finding were enacted. One result would be to prevent EPA from issuing its greenhouse gas standard for light-duty vehicles, because the endangerment finding is a legal prerequisite of that standard. The impacts of that result would be significant. In particular, it would undo an historic agreement among states, automakers, the federal government, and other stakeholders. California and at least thirteen other states that have adopted California's emissions standards likely would enforce those standards within their jurisdictions, leaving the automobile industry without the explicit nationwide uniformity that it has described as important to its business.²

Background

Three years ago, the Supreme Court held in Massachusetts v. EPA that the term "air pollutant" in the Clean Air Act includes greenhouse gases.³ The Court also held that the Act requires EPA to consider the science of climate change meaningfully in determining whether greenhouse-gas pollution endangers public health or welfare.⁴ As a result of the Court's decision, EPA became obligated to treat greenhouse-gas emissions as air pollution under the Clean Air Act and to engage with the best available science in determining whether those emissions endanger Americans' health or welfare. After EPA staff conducted a comprehensive survey of the soundest available science and carefully reviewed hundreds of thousands of public comments, I determined last December that greenhouse-gas emissions do endanger Americans' health and welfare.⁵

As you know, I am not alone in having reached that conclusion. The U.S. Global Change Research Program, which consists of thirteen federal departments – including the National Science Foundation, the Department of Health and Human Services, and the Departments of Commerce, Agriculture, Defense, Energy, and the Interior – found last June that risks to human health will increase as a result of human-induced global warming. The U.S. Senate itself has twice passed, on a bipartisan basis, a resolution finding that greenhouse-gas accumulation from human activity poses a substantial risk of increased frequency and severity of floods and droughts.

EPA's endangerment finding obligates the agency, under Section 202(a) of the Clean Air Act, to issue greenhouse-gas emissions standards for motor vehicles. EPA will begin to discharge that

http://www.epa.gov/otaq/climate/regulations/air-resources-board.pdf.

² See Patchwork Proven, National Automobile Dealers Association (January 2009).

³ 549 U.S. 497, 528-29, 532-33 (2007).

⁴ *Id.* at 534-35.

⁵ 74 Fed. Reg. 66495, et seq. (December 15, 2009).

⁶ http://downloads.globalchange.gov/usimpacts/pdfs/climate-impacts-report.pdf

⁷ See Energy Policy Act of 2005; Energy Independence and Security Act of 2007.

⁸ See Clean Air Act Section (202)(a)(1), 42 U.S.C. § 7521(a)(1).

duty late next month, by issuing greenhouse-gas emissions standards for Model Year 2012-2016 light-duty motor vehicles.⁹

At the same time that EPA issues its light-duty-vehicle emissions standard, the Department of Transportation will issue a rule raising the existing fuel-economy standards for the same vehicles. Together, the EPA and DOT standards will reduce the lifetime oil consumption of the affected vehicles by 1.8 billion barrels while eliminating 950 million metric tons of greenhouse-gas pollution. The government of California has agreed to recognize vehicles that comply with the EPA rule as complying with the state's greenhouse-gas emissions standard. As a result, the automakers will be able to operate with the nation-wide regulatory uniformity that they have sought.

The implementation of EPA's light-duty vehicle standard will make greenhouse-gas emissions subject to regulation under the Clean Air Act for the first time. Under the Act's text, air pollutants that are subject to regulation under the statute are subject to the Act's "prevention of significant deterioration" and operating-permit provisions for stationary sources. 12

Mindful of that legal consequence, and in order to provide clarity for states and businesses, EPA has been working to complete two rulemakings. The agency has received many thoughtful comments on those two rulemakings – from citizens, States, localities, industry representatives, and environmental groups. The agency's upcoming actions will reflect and incorporate valuable information and constructive suggestions that EPA received during the public comment periods, and thus will improve substantially upon the agency's initial proposals.

The first action will conclude EPA's reconsideration of a memorandum that former EPA Administrator Stephen Johnson issued in 2008. I anticipate that the final action on reconsideration will explain that greenhouse-gas emissions will become "subject to regulation" under the Clean Air Act, such as to make them a part of the Act's stationary-source permitting programs, in January of 2011, when Model Year 2012 light-duty vehicles will need to comply with EPA's greenhouse-gas emissions standard. As a result of that final action, no facility will need to address greenhouse-gas emissions in Clean Air Act permitting before 2011.

The second action will promulgate what has become known as the tailoring rule. I describe that action in detail at the outset of this letter.

I have already described the impact of enactment of Senator Lisa Murkowski's resolution of disapproval of EPA's endangerment finding on the light-duty vehicle standard and the historic agreement among states, automakers, the federal government, and other stakeholders. Moreover, a vote to vitiate the greenhouse-gas endangerment finding would be viewed as a vote to reject the

⁹ See 74 Fed. Reg. 49453, et seq. (September 28, 2009).

¹⁰ See id.

¹¹http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/522d0a809f6b7f9c8525763200562534!OpenDocument

¹² See, e.g., Clean Air Act Section 169(3), 42 U.S.C. § 7479(3) ("each pollutant subject to regulation under this chapter").

scientific work of the thirteen U.S. government departments that contribute to the U.S. Global Change Research Program. It also would be viewed by many as a vote to move the United States to a position behind that of China on the issue of climate change, and more in line with the position of Saudi Arabia.

Attached, please find responses to those of your questions that are not addressed above. Thank you again for your letter. I appreciate this opportunity to update you on EPA's work to comply with the Supreme Court's decision in *Massachusetts v. EPA* while providing a manageable path forward for businesses and state governments.

Sincerely,

Lisa P. Jackson

Enclosure

What is your assessment of the likelihood of the tailoring rule surviving already announced legal challenges?

EPA would not have issued its initial tailoring rule proposal if I did not believe that it was lawful. Oddly, certain advocacy organizations that purport to speak for businesses are the only ones who have threatened to challenge the tailoring rule in court. My assessment is that those challenges, if they are filed, will fail. If my assessment were otherwise, I would not promulgate the tailoring rule.

Currently, PSD regulations are applied to fewer than 400 facilities per year for pollutants such as ozone. How many facilities would be required to obtain permits under GHG regulation under the Clean Air Act?

None in 2010. For the first half of 2011, fewer than 400, because only facilities undergoing permitting for other pollutants would need to address greenhouse-gas emissions in permitting.

Large electric generators using domestically produced coal and natural gas are uncertain about potential "Best Available Control Technology" or "BACT" standards for carbon dioxide (CO₂). What does EPA expect coal and natural gas plant operators to do if there is no standard? What process will you use to determine such standards and the range of options for such facilities given the pre-commercial standing of current CO2 abatement technologies such as carbon capture and storage (CCS)?

EPA continues to review and analyze options for defining Best Available Control Technology (BACT) for greenhouse-gas emissions. The additional time that EPA will have before permitting requirements will take effect will enable the agency and stakeholders to consider this issue carefully and thoughtfully. EPA's goal will be to identify practical, achievable, and cost-effective strategies for minimizing emissions increases from new facilities and major modifications, recognizing the importance of those projects to the economy and job creation. The agency would of course apply the well-developed framework that exists for determining BACT for non-greenhouse-gas pollutants. One of the factors that is applied under that framework is the commercial availability of a given control technology. EPA is closely following efforts to make integrated systems for capturing, transporting, and storing CO₂ from coal-fueled electricity generating facilities commercially available. The agency would expect to carefully consider the state of development of this technology in considering options for BACT.

There is genuine concern from the domestic oil and gas industries, from entities operating at the wellhead to pipeline operators, processing plants, and refiners, that they will be severely disadvantaged in the world marketplace by stationary source regulations. Can you characterize how these regulations will translate into costs for these industries? Has your agency analyzed or will you consider the impacts on competitiveness that these costs could have on these industries?

The feasibility and commercial availability of a technology are certainly analyzed in any BACT process, and both feasibility and commercial availability are relevant to competitiveness.

Comprehensive clean energy legislation must ensure a robust US manufacturing base for clean energy production, invest in US research and development of new clean energy technologies, and mitigate costs to energy-intensive and trade-exposed industries. If EPA regulates GHGs for stationary sources, what are the direct and indirect cost implications for industrial sources of Clean Air Act prevention of significant deterioration (PSD) regulations? Has your agency analyzed or will you consider so-called "carbon leakage" and the competitiveness impacts of these costs on these industries? Will your agency public impact analyses on these critical issues prior to implementing the regulation?

EPA has evaluated the impacts of clean energy legislation on energy-intensive and trade-exposed industries as a part of our larger analysis of the Waxman-Markey bill (H.R. 2454) in June 2009. In addition, EPA participated in the Administration's interagency assessment of the implications of climate policy on U.S. competitiveness, titled "The Effects of H.R. 2454 on International Competitiveness and Emission Leakage in Energy-Intensive Trade-Exposed Industries" (December 2009). The report shows that under the allowance allocations made available in H.R. 2454 for the energy-intensive trade-exposed industries, the impact of comprehensive energy and climate legislation is effectively nil on the production costs for these industries. Even in the absence of the H.R. 2454 allowance allocations, these industries would bear only modest impacts on production costs (less than 3 percent increase) under an allowance price of \$20 per ton. PSD costs would be only a small factor in the cost structure of the industry. Moreover, facilities in these sectors are already subject to PSD for other pollutants.

How would a resolution striking down the endangerment finding affect EPA's ability to provide resources or technical expertise intended to address and adapt to climate change effects, including, but not limited to: Efforts to analyze climate and weather variability and its effects on agriculture, fisheries, species habitats, and coastal development among communities along the Gulf Coast and elsewhere; research programs related to climate change effects on mountain snowpack throughout the Pacific Coast and Mountain West regions; and the infrastructure, energy, and socioeconomic implications of relocating Alaska communities due to historically unprecedented coastal erosion?

You raise a very significant question. EPA has not had time to determine the answer. EPA would certainly try to help those threatened communities even if Congress vitiated the endangerment finding. As of this writing, however, I cannot guarantee that enactment of such a resolution would have no negative impact on those efforts.

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MARK BEGICH ALASKA

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SICH COMMITTEE ON VETERANS' AFFAIRS

COMMITTEE ON THE BUDGET

10-001-9607

United States Senate

WASHINGTON, DC 20510

November 22, 2010

Mr. Ray LaHood, Secretary U.S. Department of Transportation 800 Independence Ave. SW Washington, DC 20591

Ms. Lisa Jackson, Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, DC 20460

Mr. Shaun Donovan, Secretary
U.S. Department of Housing and Urban Development
451 7th Street, NW
Washington, DC 20410

Dear Secretary LaHood, Administrator Jackson and Secretary Donovan:

I am writing to you about your respective departments' Partnership for Sustainable Communities. I am asking for your review of the attached proposal which would utilize the partnership to help Fairbanks, Alaska achieve compliance with the National Ambient Air Quality Standard for fine Particulate Matter (PM2.5).

By way of background, the Environmental Protection Agency (EPA) has designated Fairbanks as a non-attainment area for PM2.5 and has given the state until October 2012 to submit an implementation plan. To date, EPA Region 10, the state Department of Environmental Conservation, and the Fairbanks North Star Borough have been cooperating and coordinating their efforts to alleviate emissions from wood stoves, which is the primary source of PM2.5. One of the ways identified to reduce wood smoke is to provide government incentives to change out old stoves for new, more efficient, cleaner burning ones.

Among the partnership's goals is making communities more desirable and healthier places to live. Improving Fairbanks' air quality would further those goals.

As you can see from the attached document, the Department of Transportation (DOT) Federal Highway Administration (FHWA) regional office in Alaska drafted a proposal to use Congestion Mitigation and Air Quality (CMAQ) improvements funding to assist in a wood stove change out program.

I commend FHWA for this creative, forward-thinking proposal which would allow CMAQ funds to be used for special purposes, such as this one, to reduce PM2.5 by spending 10% of Alaska's CMAQ apportionment (see page 9) for wood stove change outs.

DOT could consider an expenditure of CMAQ funds on stationary source emissions as a cost effective 'offset' against mobile source emissions. The proposal notes (page 9) that for approximately \$1 million in CMAQ funds, 86.5 tons of PM2.5 could be removed via wood stove change outs. It would cost many times more to achieve such a reduction from mobile source emissions.

I appeal to EPA and the Department of Housing and Urban Development to join me in urging DOT to approve this proposal. Of course, please feel free to also point out any other existing funding sources that could be used for wood stove change outs.

I would also suggest that the three agencies consider adding a fourth partner: the Department of Energy (DOE). In many communities, the high cost of energy and/or the lack of locally generated renewable energy diminish the affordability and livability. This is certainly the case for Fairbanks where the cost of residential fuel oil is approximately \$3 per gallon, the cost of natural gas through a limited distribution system is \$2.34 per hundred cubic feet, and electricity costs 18 cents per kilowatt hour. These factors drive many homeowners to burn wood, often in inefficient appliances. DOE could play a meaningful role in the partnership to ensure communities are more sustainable.

Thank you for your consideration. Please contact my office if you have any questions.

Sincerely.

Mark Begich

United States Senator

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Enclosure

PROPOSAL FOR USE OF CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) PROGRAM TO ASSISTS WITH WOODSTOVE CHANGE OUT

By Peter J. Serrano, P.E., AICP Transportation Engineer / Planner US DOT / Federal Highway Administration Alaska Division Office

PROBLEM STATEMENT

The proposal is for applying the Congestion Mitigation and Air Quality Improvement (CMAQ) Program in implementing a woodstove change out program for designated PM 2.5 nonattainment areas where wood burning contributes to high PM2.5 concentrations.

BACKGROUND

The Environmental Protection Agency (EPA) has designated areas in the United States, including Indian Country, as not meeting the 2006 24-Hour fine particle (PM2.5) National Ambient Air Quality Standards (NAAQS)¹. They are located in the following states.

Alabama	Idaho	Kentucky	New Jersey	Tennessee
A CONTRACT OF STREET	Delaware	Maryland	New York	
Alaska		Maryland	New York	Utah
Arizona	Illinois 🥕	Michigan	Ohio	Virginia,
California	Indiana 🛴	Missouri	Oregon	Washington
Connecticut	Iowa [®]	Montana	Pennsylvania	West Virginia
	1	•		Wisconsin

A Guide to Federal-Aid Programs and Projects, Publication No. FHWA-IF-99-006, states that CMAQ Program eligibility requirements may include² -

- Transportation activities in an approved State Implementation Plan (SIP);
- Public Private Partnerships and Initiatives;
- Transportation Control Measures (TCMs) assisting areas designated as nonattainment under the Clean Air Act Amendments of 1990.

A woodstove change out program could be listed in a State Implementation Plan and be developed under a Public Private Partnership. Additionally, a woodstove change out program could alleviate PM2.5 Hot Spots and be part of the mitigation procedures for specific types of projects such as intersections with high concentrations of woodstoves in the immediate area. For example, replacing twenty non-EPA-certified woodstoves can improve the air quality by eliminating 1 ton of fine particles during the cold months of the year. Approximately 10



million woodstoves are currently in use in the United States and 70% - 80% of them are older and conventional stoves that pollute. Because EPA certified woodstoves emit approximately 70% less pollution than older and conventional woodstoves, a successful woodstove change out program would reduce particulate matter emissions.

EPA's regulation timeline⁴ for implementation of the 2006 24-Hour PM2.5 Standards is listed below.

Table 1 - EPA's Timeline for 2006 24-Hour PM 2.5 Standard

Deadlines	Milestones	Notes
Dec. 22, 2008	Final Rule for Designation of 2006 24-Hour PM2.5	Environmental Protection
	Standards	Agency (EPA) Decision Date
Oct. 8, 2009	Effective ⁵ Designations for 2006 24-Hour PM2.5	Revaluation of Final Rule
	Standards	Designation using 2008 data
Oct. 8, 2012	PM2.5 State Implementation Plans (SIPs) for 2006	3 Years after Effective Date of
	Standards Due to EPA	Designation
Oct. 8, 2014	Attainment Date for AREAS Designated for 2006	5 Years after Effective Date of
	Standards	Designation
Oct. 8, 2019	Attainment Date with Extension	No later then 10 Years after
		Effective Date of Designation

Statutory references⁶ to the Congestion Mitigation and Air Quality Program are -

- SAFETEA-LU Section: 1101(a)(5);
- SAFETEA-LU Section 1103(d);
- SAFETEA-LU Section: 1808;
- 23 USC 149, 104(b)(2);
- 23 USC 149 126(c)

THE PARTNERS

On August 31, 2009, USDOT – Federal Highway Administration announced at the FHWA's Planning, Environment, Air Quality, and Realty (PEAR) Learning and Development Seminar the unveiling of a new partnership between the U.S. Department of Housing and Urban Development (US HUD), U.S. Department of Transportation (US DOT), and U.S. Environmental Protection Agency (US EPA) called -

Partnership For Sustainable Communities

Partnership for Sustainable Communities is a HUD, DOT, EPA initiative to help improve access to affordable housing, more transportation options, and lower transportation costs while protecting the environment in communities nationwide. Through a set of guiding



livability principles and a partnership agreement that will guide the agencies' efforts, the partnership coordinates federal housing, transportation, and other infrastructure investments to:

- · protect the environment,
- · promote equitable development, and
- help address the challenges of climate change.

A number of initiatives will be undertaken to ensure that the three agencies work efficiently to give Americans more choices for affordable housing near employment opportunities; more transportation options to reduce travel costs, shorten trip times, and improve the environment; and safe, livable, and <u>healthy communities</u>.

Through a set of guiding livability principles and a partnership agreement that will guide the agencies' efforts, this partnership will coordinate federal housing, transportation, and other infrastructure investments to protect the environment, promote equitable development, and help to address the challenges of climate change.

This proposal is one idea how to meet the challenge of protecting and improving the environment, addressing the challenges of climate change, and fostering healthy communities under the HUD-DOT-EPA Partnership for Sustainable Communities.



U.S. Environmental Protection Agency

The Environmental Protection Agency has had a WoodStove Change Out Campaign⁷ since 2005. Consumers receive financial incentives and/or rebates to replace older stoves with either non-wood burning equipment pellet stoves, or EPA certified woodstoves.

Costs are covered by partnerships with government agencies, gas utilities, and/or woodstove manufacturers, distributors, and retailers. In some areas the incentives and/or rebates to consumers amount to 10% to 15% of the purchase price of the new stove. EPA has developed a *HOW-TO-GUIDE* for implementing a woodstove change out campaign.

EPA has collaborated with partners to support the *WoodStove Change Out Campaigns* and is likely to target locations in the United States that are designated PM2.5 nonattainment areas.

The cost of a new woodstove, including installation, can range widely depending on the make, model, and options for venting to the outdoors. A basic model can be purchased and installed for approximately \$1,000 to \$3,000.





U.S. Department of Transportation - Federal Highway Administration

The Federal Highway Administration (FHWA) oversees the Federal-aid Highway Program and the funds authorized by Congress to assist States in providing for construction, reconstruction, and improvement of highway and bridges on eligible Federal-aid highway, routes and <u>for other special purpose programs and projects</u>.

The Congestion Mitigation and Air Quality Improvement Program (CMAQ) is a subset of the Federal-aid Highway Program. The CMAQ Program provides funding for projects and programs in air quality nonattainment and maintenance areas for ozone, carbon monoxide (CO), and particulate matter (PM-10, PM-2.5) which reduce transportation related emissions, 23 USC 149(a). Funding of the CMAQ Program is shown below.

Table 2 - FY CMAQ Funding Authorization

Year	2005	2006 2007	2008	2009
Authorization	\$1.667 B	\$1,694 B \$1.721 B	\$1.749 B	\$1.777 B

CMAQ Program projects have included -

- Operation of public transit activities that serve non-attainment or maintenance areas;
- Operation and maintenance of Intelligent Transportation Systems (ITS) strategies;
- Operation of passenger rail service;
- Purchase of alternative fuels and/or biodiesel;
- Establish or operation of advanced truck stop electrification systems;
- Improve transportation systems management and operations that mitigate congestion and improve air quality;
- Purchase of integrated, interoperable emergency communications equipment;
- Diesel retrofits for motor vehicles or non-road vehicles and non-road engines used in construction projects located in PM non-attainment or maintenance areas;
- Conduct outreach activities that provide assistance to diesel equipment and vehicle owners and operators regarding the purchase and installation of diesel retrofits;
- Conduct outreach activities (ie: Better Air Schools in Atlanta, GA).





U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development's (HUD) Mission Statement is -

Increase homeownership, support community development and increase access to affordable housing free from discrimination.

To fulfill this Mission, HUD embraces high standards of ethics, management and accountability and forges new partnerships that leverage resources and improves HUD's ability to be effective on the community level.

A HUD-assisted project considers air pollution hazards and conducts an environmental review. The environmental review determines whether the proposed HUD-assisted project site location is suitable for the proposal from the perspective of air pollution hazards -

- (i) from nearby stack emissions, toxic releases, etc. and
- (ii) from emissions due to nearby traffic and parking congestion.

In addition, HUD-assisted projects involving new construction, demolition, conversion of land use, major rehabilitation of existing buildings, and the acquisition of undeveloped land are subject to the requirements of the Clean Air Act, 42 U.S.C.. For projects subject to 24 CFR Part 50, HUD must make a determination as to whether the proposed action conforms to the air quality State Implementation Plan (SIP) or Federal Implementation Plan (FIP) and indicate any unresolved conflicts with the SIP or FIP. Similarly, for projects subject to 24 CFR Part 58, the Responsible Entity must make this conformity determination and indicate any unresolved conflicts with the SIP or FIP. The project may need to be modified or mitigation measures developed and implemented as a result of the environmental review.

A program administered by HUD's Office of Policy Development and Research (PD&R) is the Partnership for Advancing Technology in Housing (PATH). PATH is a Public Private Partnership initiative responsible for improving the development, dissemination, and use of new housing technologies.

The residential segment of the construction industry, represented by homebuilders, code officials, product manufacturers, and other interested parties, developed a research plan for implementing National Construction Goals for the housing sector. PATH is the outgrowth of those proposals and was officially launched on May 4, 1998.

The goal of Path is to expand the development and utilization of new technologies in order to make American homes -

Stronger, safer and more durable;



- More energy efficient and environmentally friendly;
- Easier to maintain and less costly to operate;
- More comfortable and exciting to live in.

20 YEARS OF WOODSTOVE CHANGE OUT PROGRAMS

There have been over 20 years of woodstove change out programs in the United States and over 40 programs in the past 7 years. Examples of communities that have experienced woodstove change out programs include -

Chico, CA

Truckee, CA

Sacramento, CA

Klamath Fails, OR

San Francisco Bay Area, CA

Marietta, OH

The estimated number of woodstoves in the United States range from 10 - 16 million.

The percentage of woodstoves that are older and conventional is approximately 70% – 80% of the total.

A conservative estimate of the number of woodstoves that are older and conventional is 7,000,000. [70% of 10 million woodstoves]

For example, if 25% of older and conventional stoves were replaced, the total number of replaced woodstoves would be 1,750,000 stoves. At \$2,500 per new woodstove, the total cost to replace 1,750,000 stoves would be \$4.375 Billion. See table below.

An uncertified woodstoves emits 15-13 Micrograms of PM per hour. An EPA certified stove emits 2-5 Micrograms of PM per hour. Additionally, there are secondary benefits in the area of Carbon Monoxide (CO) and Volatile Organic Compounds (VOC) reductions.

Table 3 - Cost, Rebate Cost, and PM2.5 Reduction of Woodstove Changeouts

Percentage Stoves Replaced	Number of Stoves Replaced	Cost to Replace (@\$2,500 ea)	Cost to Replace @20% Cost Rebate Using CMAQ	PM2.5 Reduction
10	700,000	\$ 1.750 B	\$ 350 M	35,000 Tons
15	1,050,000	\$ 2.625 B	\$ 525 M	52,500 Tons
25	1,750,000	\$ 4.375 B	\$ 875 M	87,500 Tons
50	3,500,000	\$ 8.750 B	\$ 1,750 M	175,000 Tons
75	5,250,000	\$ 13.125 B	\$ 2,625 M	262,5000 Tons



In the United States there are approximately 40 companies that manufacture cord wood and pellet stoves. Ten of the manufacturers are Canadian companies and five are foreign companies. The twenty-five or so manufacturers of cord wood and pellet stoves are defined by the Small Business Administration as a *small business*⁹.

LIBBY, MONTANA – AN EXAMPLE OF A WOODSTOVE CHANGE OUT

Libby, Montana, is another community that has had success with their woodstove change out program.

Libby is located in the remote northwest corner of Montana in a bowl-shaped valley surrounded by steep mountains. This is ideal topography for temperature inversions that can cause smoke from woodstoves to get trapped close to the ground and create potential adverse health effects. A significant portion of Libby's residents rely on woodstoves for heating, and during the cold winter months, the entire valley can become enshrouded in smoke. Libby's population also includes a number of people who live on fixed or low incomes.

In 2005, the trade association Hearth, Patio & Barbecue Association 10 (HPBA), through its member companies, donated approximately \$1 million in stoves, chimney venting, and cash for installation to help the most needy families in Libby replace their old woodstoves. The U.S. EPA provided the community with a \$100,000 grant to assist this first phase of the program. Later, a congressional earmark provided purchase incentives to the other families in the community.

The energy-efficiency gains of new stoves also motivated many homeowners to participate. To help raise community awareness, campaign organizers held a kick-off news conference that generated widespread media coverage, followed by a woodstove fair that gave citizens a look at their options.

The <u>results</u> were 1,135 older and conventional stoves were changed, removed, and/or repaired in 2 years including 600 changed outs with real estate transfer program and 600 applications for change still pending.

A copy of the preliminary report titled Clearing the Smoke - The Wood Stove Changeout in Libby, Montana, can be found at HPBA's website.

Table 4 - PM2.5 24-Hour Average from 2005 - 200811

(NAAQS for PM2.5 is 35 ug/m3 or less)



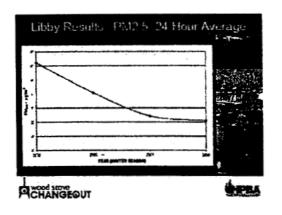
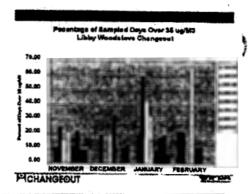


Table 5 - Percentage of Days over 35 ug/m3 12



WHAT IF WE DID WOODSTOVE CHANGE OUT IN FAIRBANKS, ALASKA

The October 8, 2009, the EPA designated 31 areas across the country as nonattainment for PM2.5 based the designations on the most recent set of air quality monitoring data from 2006 to 2008. One of the designations includes part of the Fairbanks North Star Borough (Fairbanks, Alaska)

Table 6 - 2000 US Census Bureau

Geographic area	Population	Housing units
Fairbanks city, Fairbanks North Star Borough	30,224	12,357

Table 7 - FHWA 2008 Apportionments for CMAQ



STATE

CONGESTION MITIGATION AND AIR QUALITY PROGRAM

ALASKA

\$18,995,011

THE FACTS

FNSB has 12,357 housing units.

Assuming 20% of the housing units have woodstove, there are 2,471 woodstoves in ENSB.

Assuming 70% of today's existing stoves are inefficient, there 1,730 non-EPA certified woodstoves in the FNSB.

The FY 2008 CMAQ Program funding in Alaska was \$18,995,011.

Assuming 10% of the CMAQ Program apportionment was set aside for the woodstove change out program, the amount of CMAQ Program funds available is \$1,899,501.

Replacing the 1,730 non-EPA certified woodstoves (@\$2,500 per stove) would cost \$4,325,000.

But, offering a 25% rebate for replacing non-EPA certified woodstoves, the total cost to the CMAQ Program would be \$1,081,250 and -

- 86.5 tons of particulate matter removed from the air;
- 17,300 work hours created in manufacturing, installing, and disposing of the woodstoves;
- Generating \$86,500 into the economy and allowing 3 people to work full time for a year on the woodstove change program (assuming 25% of the work @ \$20/hr stays in the Fairbanks area).

CONCLUSION

As demonstrated in Libby, Montana, a woodstove change out program benefits the air quality of a community and subsequently the health of the citizens in the community.

EPA has identified 31 communities that exceed the threshold of 35 ug/m3 for the 24-Hour PM2.5 National Ambient Air Quality Standards (NAAQS)



The HUD/DOT/EPA *Partnership for Sustainable Communities* is a partnership that is ideally suited for addressing the 24-Hour PM2.5 NAAQS in EPA designated areas with high woodstove usage. The three agencies can partner and develop agency agreements enabling communities designated as non-compliance to the PM2.5 standards achieve compliance to the National Ambient Air Quality Standards.

The partnership would allow the aligning of HUD/DOT/EPA programs (HUD's Partnership for Advancing Technology in Housing (PATH) / FHWA's Congestion Mitigation and Air Quality Program / EPA's Wood Stove Change Out Campaign) and leverage out agency investments towards the reduction of PM2.5 in communities identified in the EPA's Final Notice of Effective Designations for 2006 24-Hour PM2.5 Standards dated October 8th, 2009.

/ PS / Oct 16, 2009 / File:FNSBWSCHANGEOUT10162009/



US EPA, 40 CFR Part 81, EPA-HQ-OAR-2007-0562; FRL-8758-3, RIN-2060-AO02, Final Rule: 2006 24-Hour fine particle (PN2.5) National Ambient Air Quality Standards, December 22, 2008.

² US DOT, FHWA: A Guide to Federal-Aid Programs and Projects, Publication No. FHWA-IF-99-006, pages 31-33.

³ US EPA, Cleaner Burning Wood Stoves and Fireplaces, Wood Stove Change Out Campaign, June 25, 2009.

⁴ US EPA Region 10, Presentation on Regulatory Overview of PM2.5 Status in Fairbanks, Alaska. Fairbanks North Star Borough's Air Quality Symposium 2009, July 15 and 16, 2009.

⁵ 2006 24-Hour PM2.5 Standards were based on data collected in CY 2005-2007 and no data was yet available for 2008. Data has now been collected for 2008 and therefore the designations may change as a result of the additional data. For example, the 2006 24-Hour PM2.5 Standards designated Fairbanks and Juneau (Alaska). As a result of the 2008 data, the effective designation will only include Fairbanks, Alaska.

⁶ US DOT, FHWA: Fact Sheets on Highway Provisions, Congestion Mitigation and Air Quality Program. SAFETEA-LU. November 8, 2009.

⁷ US EPA, Cleaner Burning Wood Stoves and Fireplaces, Wood Stove Change Out Campaign, June 25, 2009.

⁸ Clearing the Smoke: The Wood Stove Changeout in Libby, Montana. HPBA. 1985.

^{9 13} CFR 121, Small Business Size Regulations, 2009.

¹⁰ Hearth, Pario & Parbecue Association (HPBA) is an international not-for-profit trade association first established in 1980 to represent and promote the interests of the hearth products industry in North America. The association includes manufacturers, retailers, distributors, manufacturers' representatives, service and installation firms, and other companies and individuals - all having business interests in and related to the hearth, patio, and barbecue products industries.

¹¹ HPBA presentation on Woodstove Change Out Programs. Fairbanks North Star Borough's Air Quality Symposium 2009, July 15 and 16, 2009.

¹² Ibid.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, Washington 98101-3140

OEC 2 2 2010

OFFICE OF THE REGIONAL ADMINISTRATOR

Honorable Mark Begich United States Senate Suite SR-144 Russell Building Washington, DC 20510

Dear Senator Begich:

Thank you for your letter dated November 22, 2010, addressed to the Environmental Protection Agency (EPA) Administrator Lisa Jackson regarding EPA's involvement with the Partnership for Sustainable Communities. Administrator Jackson asked that I respond on her behalf.

EPA staff work closely with the Mayor of Fairbanks and his staff on an interactive basis to transfer expertise and help guide their work to make effective changes in short and long term air quality planning. I recently had a productive conversation with the Mayor of Fairbanks, Mr. Luke Hopkins, and shared my personal experiences with him related to air quality issues as a past Executive Director of the Puget Sound Clean Air Agency. EPA Region 10 will continue to extend our full staff support and share our expertise in identifying and implementing air pollution control strategies for the benefit of the residents of Fairbanks. We have reviewed the proposal included with your letter and offer the following as information on the next steps in this process.

According to preliminary studies, numerous pollution source categories contribute to PM2.5 nonattainment in Fairbanks, Alaska. Fuels used for heating during winter including wood, coal, and distillate oil generate a substantial amount of the air pollution in Fairbanks. Efforts to bring the area into attainment with the national ambient air quality standard will involve controlling air pollutant emissions from the major contributing sources. Replacing older, less efficient, wood burning appliances with cleaner EPA-certified ones, using certified pellet stoves, and switching to cleaner burning fuels have all yielded positive air quality improvements in other areas and have the potential to help improve air quality in Fairbanks. Additional funding from the Department of Transportation (DOT) to make such changes will help the area improve air quality and move closer to the goal of compliance with air quality standards.

Congestion Mitigation and Air Quality (CMAQ) funds have been utilized in various areas in EPA Region 10 with positive outcomes for air quality. For example, CMAQ funding helped the state of Idaho successfully perform an air quality analysis that helped the state successfully control PM10 air pollution in the Boise area. EPA has provided in-kind resources, expertise, research grants, and Clean Air Act Section 105 and 103 grants to the state of Alaska for air quality management programs. We have kept the state of Alaska and the Fairbanks North Star Borough informed of the different financing options that are being utilized in different areas of the country for air quality management.

You suggested that the Partnership agencies collaborate with the Department of Energy (DOE) in this effort. While DOE is not a formal member of the Partnership, the Department of Housing and Urban Development, DOT, and EPA are collaborating with DOE, as well as the Centers for Disease Control and Prevention, the Department of Agriculture, the Department of Education, the Department of Health and Human Services, and other federal agencies on related issues. Agencies throughout the federal government recognize the value of the Partnership's model of collaboration because not only does interagency collaboration get better results for communities; it also uses taxpayer money more efficiently. As many of the sources contributing to air quality in Fairbanks are related to energy use, DOE will have a meaningful role to play in making available cleaner sources of energy or working with the community to make cleaner forms of energy accessible.

For further information on Congestion Mitigation and Air Quality contact Krishna Viswanathan at viswanathan.krishna@epa.gov. For more information on EPA's Partnership for Sustainable Communities and our collaboration with DOE please contact Melanie Wood at wood.melanie@epa.gov.

Sincerely,

Dennis J. McLerran Regional Administrator

11-001-4125

United States Senate

WASHINGTON, DC 20510

September 19, 2011

The Honorable Lisa Jackson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

The Honorable J. Randolph Babbitt Administrator Federal Aviation Administration 800 Independence Avenue, S.W. Washington, DC 20591

Dear Administrators Jackson and Babbitt:

We write to encourage the Environmental Protection Agency (EPA) and the Federal Aviation Administration (FAA) to work closely together with representatives from the aviation sector in any efforts to transition from leaded avgas used by General Aviation (GA) aircraft to an unleaded alternative. While we understand and share your desire to remove lead from avgas, especially in light of potential litigation, we also need to ensure the EPA does not ban lead used in avgas until we have a safe, viable, readily available, and cost-efficient alternative.

Currently, leaded avgas is used to fuel approximately 150,000 piston-engine aircraft in the United States. As you know, lead boosts the octane of the fuel used in these aircraft, protecting the engines against early detonation and preventing engine failure in flight. Despite ongoing research and testing, there currently is no safe or affordable alternative to leaded avgas to meet the needs of the GA aircraft fleet and FAA standards that ensure their flight safety.

Without avgas, most existing GA aircraft engines will have to be de-rated from their currently-certified power levels in order to maintain the FAA-required detonation margins at an incredible cost to aircraft owners, operators, and the consumers who rely on their service. Arbitrarily imposed changes would also result in a significant loss of power that will reduce the performance and cargo capacity of many existing GA aircraft, severely limiting their usefulness. These changes also pose a significant flight safety concern as a reduction in power results in reduced aircraft performance leading to longer takeoff distances and lower aircraft climb rates.

As you may be aware, GA contributes over \$150 billion annually to the national economy and supports approximately 1.2 million American jobs. However, GA is more than just revenue and jobs. GA serves medical providers, law enforcement, small businesses, and agricultural producers. Agricultural pilots treat more than 75 million acres of cropland each year. In addition, GA aircraft provide service to all of the 19,600 public and private

landing facilities in the United States. In our most rural communities GA aircraft are the only means of reliable, year-round transportation available. Therefore, the use of a new avgas that does not provide the same detonation protection as today's fuel would turn most single, twin-engine, and high-performance airplanes into non-airworthy aircraft drastically affecting the national economy.

The GA industry, including aircraft and engine manufacturers, fuel producers and developers, as well as groups representing pilots and aircraft owners, play a key role in the process for finding suitable unleaded replacements for avgas. Each brings a mix of technical knowledge, historical perspective and market understanding to the discussion that must be considered to ensure General Aviation remains viable well into the future.

For these reasons, we urge both the EPA and FAA to work closely together with representatives of the GA sector and the House and Senate GA Caucuses in finding an alternative to leaded avgas. Furthermore, we urge you to carefully consider these concerns before you move forward with any rulemaking that would stop the use of leaded avgas before the FAA has an opportunity to take appropriate measures needed to approve a new, safe, and affordable unleaded avgas that takes into account the safety of those aboard the affected aircraft.

Sincerely,

John Thune

Mul Beyok

Mile Johnson

Lisa Murkowski

Michael Enzi

Saxby Chambliss

Janky L	Minghest . En
My Benue	Jerry Moran
	Sun Danson
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DATE: 2011-09-21

NUMBER OF PAGES INCLUDING COVER:

TO: Mr. David McIntosh

FAX NUMBER: (202)501-1519

FROM: Adrian Arnakis

RE: Letter to Administrator Jackson

NOTES:

Original in Mail



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC - 1 2011

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter of September 19, 2011, co-signed by 26 of your colleagues, to Administrator Jackson. Your letter requests that the Environmental Protection Agency and the Federal Aviation Administration (FAA) work closely together with representatives from the aviation sector in any efforts to transition general aviation aircraft from leaded aviation gasoline (avgas) to an unleaded alternative. Specifically you noted concern regarding a ban on lead used in avgas before a safe, viable, readily available, and cost-efficient alternative is available.

I would like to clarify the EPA's role and actions on this issue: the EPA does not have regulatory authority over the composition or chemical or physical properties of aviation fuels. The EPA has the authority to establish emissions standards for aircraft under Clean Air Act section 231, and is responsible for judging whether emissions from aircraft, including aircraft lead emissions, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. FAA, however, has the authority to regulate the content of aviation fuel. The EPA is coordinating on an ongoing basis with FAA, and will continue to do so, on our activities related to the use of lead in aviation fuel.

The EPA published an Advance Notice of Proposed Rulemaking (ANPR) in April 2010 regarding leaded avgas. The purpose of the ANPR was to describe available data and request comment related to lead emissions, ambient concentrations of lead, and potential exposure to lead from the use of leaded avgas. The ANPR was issued in part in response to a rulemaking petition submitted by Friends of the Earth in 2006 concerning leaded avgas. Since then, the EPA has continued to gather and analyze relevant information. The ANPR and our current analytical work are focused on the issue of endangerment, which is the first step in a long regulatory process. We are mindful of the complexity of the issues involved, and the EPA is moving forward in a thorough and deliberate manner. Our analytical work and data collection is likely to continue over the next one to two years.

I want to assure you that the EPA recognizes the importance of piston-engine general aviation throughout the United States. Furthermore, safety considerations are always a high priority for us. We will be working in concert with FAA, industry and aviation groups to keep piston-engine powered airplanes flying safely, and in an environmentally responsible manner.

Any EPA regulatory action to address lead emissions from aircraft would involve a thorough process of identifying options and would consider safety, economic impacts and other impacts. This would be done in concert with the FAA, states, industry groups and user groups.

We appreciate the information you submitted about the importance of general aviation to the national economy, rural communities, and American businesses and jobs. We look forward to continuing our dialogue with FAA and the general aviation sector, as well as the House and Senate General Aviation Caucuses.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina McCarthy

Assistant Administrator

Congress of the United States

Washington, DC 20515

10-002-0469

December 10, 2010

The Honorable Kenneth L. Salazar Secretary U.S. Department of the Interior, Room 6156 1849 C Street, NW Washington, DC 20240-0002

The Honorable Jo-Ellen Darcy Assistant Secretary of the Army for Civil Works 108 Army Pentagon Washington, DC 20310-0108

The Honorable Lisa Jackson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20460

We write to express our ongoing concerns and interest in Conoco-Phillips' (CPAI) appeal of the Alaska District Engineer's permit denial for the CD-5 Alpine Satellite Development at the Colville River Unit of the National Petroleum Reserve – Alaska. This project represents a widely supported but intensely scrutinized opportunity to develop hydrocarbon resources on Alaska's North Slope. It has faced undue delay which jeopardizes not only the plan itself, but also the overall prospects for oil and natural gas fields designated for exploration and development by Congress.

Last week, the Corps of Engineers Pacific Division remanded a portion of the District Engineer's February 5, 2010 decision to reject CPAI's plan to construct a gravel road to access its federal leases at CD-5. The District had insisted, despite nearly five years of environmental study and careful consultation with tribal, local, state, and federal stakeholders, that a three-phase buried pipeline – requiring exponentially increased air traffic and subject to uncertain monitoring issues over the life of the fields – would be less environmentally damaging than the proposed road. The Division Engineer has validated several of CPAI's reasons for appeal of that decision, remanding it for further consideration and final action. This may indicate the complexity of the issue, but we worry that it also speaks to a chronic and unacceptable void in communication and transparent analysis on the part of those agencies responsible for advancing this important project.

We are not privy to the internal preferences of CPAI, nor are we advocating a specific course of action on this administrative decision. We are, however, compelled to voice our serious and continued disappointment at the federal government's persistent inability to coordinate its agencies in such a way as to move this critical project forward on a reasonable timeline. Of all oil and gas prospects in the nation, those in a National Petroleum Reserve ought to be most

assertively pursued and permitted. The opposite has occurred in this case, and this is already proving needlessly costly in terms of jobs, federal leasing revenues, and the Administration's stated goal of energy independence. As throughput in the Trans-Alaska Pipeline System steadily declines, so declines America's tolerance for huge stranded resources in the Arctic.

Lastly, we note that the Environmental Protection Agency's designation of the Colville River Delta as an "aquatic resource of national importance" for purposes of this application caused us both alarm and curiosity as regards the process and power behind this designation. Insofar as those who actually depend on the Colville for its aquatic resources, this designation flies in the face of their preferred method of accessing CD-5. This is not surprising, however, since the designation requires no public input, consultation, or even notice. It begs the question of whether the steps to permit this and other similar projects in a petroleum reserve give the applicant and the public a clear path forward and transparent public record. We hope to better understand what appears to be an opaque, unilateral process to many seasoned observers.

Good public energy policy, as well as the law, requires an expeditious path forward towards this project's development. Whether that path involves the original plan or another, modified iteration of that plan, it must be taken without further delay. We will watch with interest how, and when, the District Engineer considers and acts upon these issues on remand. Irrespective of that outcome and its justifications, we expect both thoughtful and swift responses to the issues raised in this letter, and we expect those responses to occur in the form of both words and concurrent action.

Sincerely,

cc:

Lisa Murkowski

Governor Sean Parnell

Pat Pourchot

Col. Reinhard Koenig

Dennis McLerran

The Honorable Edward Itta

The Honorable Thomas Napageak, Jr.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, Washington 98101-3140

OFFICE OF THE REGIONAL ADMINISTRATOR

The Honorable Lisa Murkowski, Senator United States Senate SH-322 Hart Senate Office Building Washington, DC 20510

The Honorable Mark Begich, Senator United States Senate 144 Russell Senate Office Building Washington, DC 20510

The Honorable Don Young, Representative United States House of Representative 2111 Rayburn Office Building House Washington, DC 20515

Dear Senators Murkowski and Begich, and Representative Young:

On behalf of Lisa Jackson, Administrator of the U.S. Environmental Protection Agency, I appreciate the opportunity to respond to your December 10, 2010, letter regarding ConocoPhillips Alaska, Incorporated's (CPAI's) request for appeal of the U.S. Army Corps of Engineers (Corps), Alaska District's permit decision on the CD-5 Alpine Satellite Development in the Colville River Delta. On December 2, 2010, the Corps' Pacific Ocean Division issued an administrative appeal decision regarding CPAI's request for appeal. Your letter expressed interest in CPAI's appeal of the Alaska District permit decision and the identification of the Colville River Delta as an aquatic resource of national importance.

In its request for appeal, CPAI identified the reasons for seeking higher-level administrative review of the Alaska District's permit decision. The Pacific Ocean Division's decision remanded certain portions of CPAI's request for appeal to the Alaska District for further action. We understand that the Alaska District is reviewing the Division's decision and identifying an appropriate response to the remanded issues. EPA is prepared to work closely with the Corps, the U.S. Fish and Wildlife Service (USFWS), and CPAI to advance this project beyond the administrative appeals process to a permit decision. EPA remains concerned, however, that the project as currently proposed is likely to impact high value aquatic resources in the Colville River Delta. Our concerns regarding the direct, indirect and cumulative impacts associated with CD-5 as proposed are magnified by the agencies' finding that these impacts are largely avoidable.

EPA's determination that the Colville Delta is an "aquatic resource of national importance" (ARNI) is made as part of our permit review process and coordination procedures established in the EPA/Department of the Army Memorandum of Agreement under CWA section 404(q). I would emphasize that this conclusion is not related to EPA's section 404(c)

authority and does not indicate EPA has made any decisions regarding use of section 404(c) in this matter. The ARNI determination triggers coordination procedures included in the MOA that are designed to facilitate timely resolution of permit issues between EPA and the Corps. An ARNI finding by EPA does not preclude issuance of a CWA permit in ARNI waters so long as the permit meets the requirements of the law.

Thank you for your letter regarding CPAI's request for appeal of the CD-5 Alpine Satellite Development permit decision. I want to reiterate that EPA will work with the Corps, USFWS, and CPAI to advance this project to a timely and environmentally effective permit decision by the Alaska District. If you have any additional questions regarding this matter, please do not hesitate to contact me at (206) 553-1234, or your staff can contact Marcia Combes, Director of the Alaska Operations Office at (907) 271-6555.

Sincerely,

Dennis J. McLerran Av

Regional Administrator

cc: The Honorable Sean Parnell Governor, State of Alaska

Pat Pourchot
Special Assistant to the Secretary of the Interior for Alaska Affairs, Department of Interior

Col. Reinhard Koenig Commander, Alaska District, US Army Corps of Engineers

The Honorable Edward S. Itta Mayor, North Slope Borough

The Honorable Thomas Napageak, Jr. Mayor, Village of Nuiqsut

COMMITTEE ON ARMED SERVICES

COMMITTEE ON THE BUDGET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS MARK BEGICH

12-002-043 3 COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

CHAIRMAN, SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES AND COAST GUARD

COMMITTEE ON VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

December 13, 2012

The Honorable Lisa Jackson U.S. Environmental Protection Agency Ariel Rios Federal Building 1200 Pennsylvania Ave., NW, Room 3000 Washington, DC 20460

Dear Administrator Jackson:

I write to express my concern with the Environmental Protection Agency's (EPA) proposal for more stringent fine particulate matter (PM_{2.5}) air quality standards and its likely economic and financial effect on Alaska families already struggling with some of the highest heating costs in the country.

I know a number of my colleagues have expressed several concerns with the broader rule including: the short time period spent drafting the rule due to a court order, its cost-effectiveness, the severity of penalties and the difficult path back to attainment for affected communities, and the precision of the underlying science behind designating certain concentration as safe or unsafe. However, while I share many of these concerns, as always, my focus is on Alaska, in this case, the community of Fairbanks.

As you know, a portion of the Fairbanks North Star Borough has been designated as a non-attainment zone under the existing rule and at the standard of 15 micrograms per cubic meter of PM_{2.5}. The new standard, due shortly, will lower the threshold level to a lower concentration, perhaps as low as 11 micrograms of PM_{2.5} per cubic meter. Without a clear path to achieving attainment status before them—despite the best efforts of some well-intended local officials—Fairbanksans are justifiably concerned about now facing an even stricter standard.

While I accept the basic science that fine particulate matter, soot generally, in high concentration is hazardous to human health, the current cost of energy poses a sufficient threat to the economic health of my state's second largest city. Making it harder to attain a new, stricter regulatory standard does not improve the economics of switching to cleaner, more cost-effective sources of home heating and energy in general. In short, what Fairbanks needs is financial help in making desirable, logical but often particularly expensive choices, not more punitive regulation.

I fully expect you to meet the court order requiring your agency to deliver a new rule by this weekend. However, what Fairbanksans and I will be asking for in the months ahead is a helping hand and reasonable accommodation under the law in fashioning a cost-effective path to cleaner air.

The Honorable Lisa Jackson December 13, 2012 Page 2

Alaskans are a hardy bunch. You don't overwinter in Fairbanks because it's an easy choice to make in life. But, there are limits in what we can ask people to reasonably put up with. As we move through the next session of Congress, this matter is certainly a lens through which I will be examining your agency's effectiveness.

As always, I look forward to your reply and stand ready to assist you in making my state and our nation healthier and more economically sound.

Sincerely,

Mark Begich

United States Senator

cc: Commissioner Larry Hartig, DEC
The Honorable Luke Hopkins, FNSB



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, WA 98101-3140

OFFICE OF THE REGIONAL ADMINISTRATOR

JAN 1 7 2013

The Honorable Mark Begich United States Senate 144 Russell Senate Office Building Washington, DC 20510

Dear Senator Begich;

Thank you for your December 13, 2012 letter to Administrator Lisa Jackson regarding the U.S. Environmental Protection Agency proposal for a more stringent fine particulate matter standard and its potential impact on Fairbanks, Alaska. Administrator Jackson asked that I respond on her behalf.

On December 14, 2012, in response to a court order, the EPA strengthened the national health-based annual air quality standard for fine particle pollution (PM_{2.5}) from 15 micrograms per cubic meter to 12 micrograms per cubic meter. The level of this new standard is consistent with the recommendations of the Agency's independent science advisors, and is based on an extensive body of scientific evidence – including many large studies which demonstrate negative health impacts of fine particle pollution at lower levels than previously understood.

As you know, a portion of the Fairbanks North Star Borough has been designated nonattainment for the 2006 24-hour PM_{2.5} standard of 35 micrograms per cubic meter. We recognize that the Borough faces a challenging air quality problem due to periodic extreme cold weather and the wood smoke that is produced when people burn wood to heat their homes. The high levels of air pollution create a public health risk for Borough residents. We also recognize that residents face high energy costs to keep their homes and businesses warm. We appreciate the hard work currently underway by the Alaska Department of Environmental Conservation and the Borough to develop strategies to address the air quality problems there.

While the EPA finalized the new annual PM_{2.5} standard in December, the process the Agency uses to determine whether an area is classified nonattainment under the Clean Air Act will be based on air quality data in the years 2010-2012 and 2011-2013. Because some of the data is still being collected, we do not yet know whether the Borough will be in attainment with the revised annual standard. However, in the event that the area is designated nonattainment for the annual standard, it is likely that there will be no additional control measures required, because the controls being considered to meet the 24-hour standard will also help meet the annual standard.

The EPA provides Clean Air Act grant funding to the State of Alaska and in turn to the Borough to support efforts to attain the PM_{2.5} standard. In addition, a recent agreement with Golden Valley Electric Association will provide \$250,000 for use by the Fairbanks North Star and Denali Boroughs to change-out wood and coal burning stoves. We will continue to inform the State and Borough of potential funding opportunities as we learn about them.

Thank you again for contacting the EPA and for your support as we work through the air quality issues in Fairbanks with our state and local partners. If you have any further questions, please contact me at 206-553-1234, or your staff may contact Cindy Schuster, Region 10 Congressional Coordinator, at 206-553-1815.

Sincerely,

Dennis J. McLerran Regional Administrator

cc: Larry Hartig, Commissioner
Alaska Department Environmental Conservation

The Honorable Luke Hopkins, Mayor Fairbanks North Star Borough

LISA MURKOWSKI

COMMITTEES:

ENERGY AND NATURAL RESOURCES

RANKING MEMBER

HEALTH, EDUCATION, LABOR,

AND PENSIONS

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851 EAST WESTPOINT DRIVE, SUITE 307 WASILLA, AK 99654-7142 (907) 376-7666

United States Senate

WASHINGTON, DC 20510-0203 (202) 224-6665 (202) 224-5301 FAX

INDIAN AFFAIRS

July 29, 2009

The Honorable Lisa Jackson Administrator United States Environmental Protection Agency Ariel Rios Federal Building 1200 Pennsylvania Avenue, N.W. Room 3000 Washington, DC 20460

Dear Administrator Jackson,

Thank you for taking the time to meet with us on Thursday to discuss the future of the Kensington Mine. We know you are very busy and this letter is long, but we hope you will take the time to personally read it.

We recognize your personal commitment to protect the environment of our Nation and specifically that of our beautiful state of Alaska. We share that commitment. Because we care about both the environment and also the people of Alaska, we find it profoundly distressing to have the EPA suggest yet another tailings disposal option in the EPA letter of July 14, 2009 to Colonel Koenig of the Alaska Corps of Engineers, especially in the wake of a U.S. Supreme Court decision which specifically recognized the thorough review of alternatives undertaken in the permitting process leading to the Lower Slate Lake Corps 404 tailings permit.

As you are aware, the development of the Kensington mine will be a major new economic driver in Southeast Alaska, creating over 300 badly needed jobs, many to be filled by Alaska Natives (We refer you to the July 28th letter from the Central Council of Tlingit & Haida Indian Tribes of Alaska). EPA's apparent advocacy of a tailing disposal option that is demonstrably worse for the environment, could potentially kill the project, and that appears to be an attempt to circumvent the Supreme Court's decision on this issue is of grave concern to many of us.

We also refer you and your staff to the U.S. Army Corps of Engineers March 29, 2006, Revised Record of Decision affirmed by the Supreme Court and accompanying 404(b)(1) evaluation, for the detailed reasoning on why the Lower Slate Lake disposal option is environmentally preferred. Please also see the Final Supplemental Environmental Impact Statement (Dec 2004) for further details of the evaluation that occurred.

My staff is looking forward to reviewing the details of this issue with EPA staff when they meet, but the principle point that we would make is that, after mine closure and reclamation, the Lower Slate Lake (LSL) preferred option, as upheld by the Supreme Court, will result in a lake with substantially better habitat for fish and other aquatic life than currently exists, and a long term wetland loss of only 0.4 acres. The Paste Tailings Facility (PTF) option, which is apparently now being promoted by the EPA staff, would result in a long term wetland loss of 102 acres and an eight-story high tailings pile.

It is noteworthy that the EPA and the Corps argued in the Supreme Court of the United States that the Kensington Section 404 permit was lawfully issued by the Corps (in briefs signed by two different Solicitors General AND the Acting General Counsel of EPA) and the Supreme Court accepted those arguments and validated the permit.

We know you do have the best interests of the environment at heart, and you seemed somewhat surprised when we told you that the other agencies believed the Lower Slate Lake option was the environmentally preferred option. Your staff further asserted that Fish and Wildlife (USFWS) opposed the Lower Slate Lake alternative and you understandably said you wanted to check with USFWS.

When our staff double-checked with officials at USFWS, they received an email saying, "... I don't know why EPA made the statement that we are opposed to the Slate lake disposal option." As noted below, we also checked the administrative record and USFWS did not in those filings ultimately oppose the LSL permitted plan.

The Lower Slate Lake option was proposed in a 2001 amendment to the approved 2001 Plan of Operations for the stated purpose of improving efficiency and reducing the extent of surface disturbance of the approved project. In response, the Forest Service directed the preparation of a new SEIS, which was completed in 2004. In comments on the 2004 Draft Supplemental Environmental Impact Statement, USFWS offered technical comment on a number of areas of the DEIS, but did not object to the selection of Lower Slate Lake as the environmentally preferred alternative as a project development option. The USFWS comments lay this out in full detail and your staff may want to revisit them.

Although we understand that the EPA disagreed with the preference of the Corps and other federal and state agencies, at no time during this multi-year permit and lengthy litigation process did EPA "escalate" the discussion according to its Memorandum of Agreement with the Corps, and EPA chose not to veto the permit under its authority pursuant to section 404(c) of the Clean Water Act.

As noted by the Supreme Court: "By declining to exercise its veto, the EPA in effect deferred to the judgment of the Corps on this point." Coeur Alaska, Inc. v. Southeast Alaska Conservation Council, No. 07-984, slip op. at 6 (S.Ct. June 22, 2009) (hereinafter Coeur Alaska v. SEACC). In fact, up until the issuance of the July 14, 2009 letter from Mike Gearheard of Region X to the Corps, EPA fully supported the Corps' permit, up to and through the Supreme Court's rejection of the challenge by outside groups, and its subsequent holding that "The Corps acted in accordance with the law in issuing the slurry discharge permit to Coeur Alaska."

Thus, the administrative and legal process has been completely exhausted with regard to the permit issued to Coeur Alaska. The Supreme Court has spoken, and the Permit has been found to be valid. The Ninth Circuit has removed its injunction, under an unopposed motion, that prohibited construction under the permit. At this point, the only thing standing between the long awaited 300 new jobs to benefit the people of Southeast Alaska is for the Corps to lift its partial suspension of the Permit that was necessitated by the injunction, and modify the construction time period under the permit to compensate for the injunction delay that has prevented work from being completed at the Lower Slate Lake site.

Unfortunately, EPA appears to be attempting to construct "new" information that will justify the reopening of an administrative process that has already been exhausted. The Acting Deputy Administrator of EPA Region X, Mike Gearheard, in his letter dated July 14, 2009, is now claiming that three changes have occurred since the issuance of the permit that require the Corps to effectively reopen the permitting process for the Kensington Mine. As discussed in our meeting, we believe that all three of the issues raised are neither "new" information, nor, in any case, significant or substantial.

In particular, the letter's first point, the assertion that the settlement discussions over the "paste tailings facility" ("PTF") constitutes "new" information is, on its face, legally without merit. A "PTF" was a potential option that was discussed and evaluated during 2008 based on the unavailability of the permitted LSL facility due to the pending litigation over the 404 permit issued by the Corps. When litigation is ongoing, and particularly when an injunction is in place that impedes all progress, parties commonly negotiate over less than preferable proposals in an attempt to end the continued delay and uncertainty of litigation. This exploration of a PTF in the context of trying to reach a compromise while the LSL alternative remained unavailable was not itself a "substantial change" in circumstances, nor was the possibility of a PTF-like facility significant new information, due to its fundamental similarity to the EPA preferred, but already-rejected, dry stack option.

The PTF differs from dry stack primarily with respect to the moisture level in the tailings to be stored. In fact, the EPA noted in its own comments during the evaluation of the PTF that the principal difference between the options is that PTF would result in the destruction of a greater area of wetlands as compared to dry stack, and "[t]hus, it appears that Alternative C [dry stack] might be less environmentally damaging than Alternative B [PTF]." EPA Comments on Kensington Gold Project Draft Environmental Assessment, September 16, 2008. Clearly, given the "no wetlands loss" policy of the Administration (MOA between the Department of the Army and the Environmental Protection Agency for the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines, 55 Fed. Reg. 9,210 (1990)) this cannot be a proposal EPA would further advocate.

Contrary to the statement made in EPA's July 14th letter, prior to Coeur Alaska's withdrawal from further consideration of the PTF, EPA had not expressed a view that the PTF was the preferable option for tailings disposal, nor that it would be "permittable."

During the environmental assessment process for PTF, EPA consistently expressed a continued preference for the dry stack option, and, in fact, expressed confusion regarding functional difference between PTF and dry stack. It is clear from a review of EPA's technical comments that they perceived PTF to be a less preferable variation of the dry stack option that had already been rejected by the Corps.

It was only following the Supreme Court decision affirming the Corps permit that rejected the dry stack option that EPA has chosen to advocate PTF as "new" and "environmentally preferable."

Thus, while we believe your desire is the protection of the environment, we are concerned that some on your staff may believe the best way to do that is to use bureaucratic maneuvers to "outlast" Coeur Alaska's ability to litigate over the Kensington Mine, and we must question EPA's sudden change of heart with regard to desirability of the PTF process.

The second issue raised in EPA's letter was mill rate throughput. The EPA's July 14th letter said "In addition, the mining rate based on the as-built capacity of the mill is less than the proposed mining rate in the 2004 final Supplemental Environmental Impact Statement (FSEIS). The FSEIS specified a 2000 ton/day operation, whereas the actual mill capacity is 1250 tons/day. The reduced mining rate translates into a decrease in the amount of tailings produced; more than one million fewer tons overall. This change to the project presents opportunities to further avoid and minimize aquatic impacts, which could affect the appropriate permit conditions. This new information also could reduce the environmental impacts of disposal sites that were considered as alternatives to disposal in Slate Lake, which could change the analysis of which disposal alternative is the least environmentally damaging. For those reasons, this information also warrants reevaluation of the permit and its conditions."

The Kensington mine plan centers on 4.5 million tons of mineable reserves. That has not changed. The permit is for total amount of tailings disposal, and does not reference a fill rate. A decrease in mill rate may extend the mine life, which is a good thing for the Southeast Alaska economy, but it has no effect on total tonnage of tailings, total footprint of tailings, nor environmental impacts.

Comments filed by EPA last September during the environmental assessment for the PTF reflect EPA's on-going confusion regarding this point. EPA provides a formula for calculating tailings production that reflects the lower throughput, but does not change the expected life of the mine, which results in a lower total amount of tailings produced. This flawed calculation is the principal support for EPA's allegation of "changed circumstances," and its argument that the Corps should reconsider the impacts of the PTF based upon a supposedly lower volume of tailings.

In fact, in its April 25, 2008, letter asking for an environmental assessment of the PTF option, EPA made an attempt to resurrect its preferred dry stack option based upon this information: "While the dry stack alternative was previously analyzed in past NEPA

documents, we believe it is important to evaluate the dry stack with an equal mining rate as the PTF (i.e. 1,250 tons per day) to fairly compare conclusions about impacts to resources."

EPA's third issue was acid rock drainage. The letter said, "Finally, Coeur Alaska excavated an area near Lower Slate Lake and exposed some sulfide-bearing rock. This newly exposed rock resulted in acid rock drainage that flowed into a settling pond near the outlet of the lake and into East Fork Slate Creek. The acid rock drainage is an unauthorized discharge that was not anticipated in the FSEIS or 404 permit process and is not authorized under the current 402 permit. This source of new environmental harm needs to be part of an assessment of the least environmentally damaging practicable alternative."

We are certain that your further research will show this is a not a significant issue in any way. During authorized excavation of borrow material at Slate Lake, a localized pocket of sulfide bearing rock was exposed. Sulfide bearing rock produces acidic runoff when it is exposed to water and air. In the normal course of events in completing construction at the site, Coeur would have covered the exposed rock within a short period of time, installed the water treatment plant already permitted by the EPA for the outfall at the site, and likely would never have encountered any problematic runoff.

The low pH drainage of approximately 3 gpm is a condition created solely because of the Ninth Circuit Court of Appeals injunction. Due to the injunction, Coeur was prohibited from taking actions beyond the best management practices it employed under Alaska Department of Environmental Conservation (ADEC) and EPA oversight. The amount of drainage involved is very small and has not resulted in any environmental harm in East Fork Slate Creek. Coeur has shifted its borrow material site to avoid the sulfide formation. Once the Corps approves the modification of the work period, allowing halted construction to proceed, the acidic runoff will end.

We firmly believe that the facts, as well as the law, continue to support the validity of the existing Kensington Corps 404 Permit and its finding that the disposal option contained therein the best option for the environment of Southeast Alaska. We also believe that, after full consideration of the law and the facts regarding the Kensington mine, EPA will reach the same conclusion.

Sincerely,

Lisa Wiurkowski

United States Senator

Tuskovsku

Mark Begjoh

United States Senator

Response

Office of Congressional and Intergovernmental Relations Correspondence Routing and Transmittal Slip

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Member or Governor: Lisa Murkowski	Due Date:		
Program Office: OW	Signature		
Prepared by (CCU): Kathy Mims	Phone:_ <u>56</u>	Phone: 564-3647	
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 2 3 2009

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

The Environmental Protection Agency's (EPA) Superfund program will be proposing the Salt Chuck Mine site, located in Outer Ketchikan County, Alaska, to the National Priorities List (NPL) by rulemaking. EPA received a governor/state concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

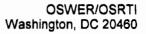
Because the site is located within your State, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Carolyn Levine, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859. We expect the rule to be published in the <u>Federal Register</u> in the next several days.

Sincerely,

Assistant Administrator

Enclosures





NATIONAL PRIORITIES LIST (NPL)

Proposed Site

September 2009

SALT CHUCK MINE | Outer Ketchikan County, Alaska

Site Location:

Salt Chuck Mine is located on Prince of Wales Island, in the Tongass National Forest at the northern end of Kasaan

▲ Site History:

The Salt Chuck Mine site is an inactive former gold, silver, and copper mine. The site contains large volumes of mine tailings, including 100,000 cubic yards of saturated tailings in Salt Chuck Bay adjacent to the former mill site. The most intense mining and milling activity occurred from 1915 to 1941 when approximately 326,000 tons of ore were mined. The upland area of the site is owned by the U.S. Forest Service and is comprised of approximately 45 acres including the following source areas: a large glory hole connected to the main adit, two shafts, a tunnel, and 13 waste rock dumps. The impacted tidelands are owned by the State of Alaska.

■ Site Contamination/Contaminants:

Contaminants in the sources, surface water and sediments include copper, mercury, polychlorinated biphenyls (PCBs) and benzo-a-anthracene. Concentrations of all of these contaminants in upland sources exceed EPA cleanup guidelines for soil and mercury. Copper concentrations in the Bay exceed EPA risk assessment guidelines by 42 times and 17 times respectively. Copper and mercury detected in clam tissues in the Bay exceed the consumption guidelines for mercury in fish tissue issued by the Alaska Department of Health and Social Services.

m Potential Impacts on Surrounding Community/Environment:

Sediments and surface water in Kasaan Bay and Lake Ellen Creek have been impacted by mercury and copper. Kasaan Bay is host to the Kasaan Tribe (several hundred people), which uses the Bay as a commercial and subsistence fishery and shell fishery. Heavy metals from tailings both in the upland and in the Bay are impacting water quality and sediments both in the Bay and Lake Ellen Creek, which drains into the bay. These impacts affect salmon and shellfish in areas where both are harvested intensively by the local native community.

A Response Activities (to date):

The Forest Service completed a draft site evaluation in March 2007, but has neither finalized the evaluation, nor taken any cleanup action.

Need for NPL Listing:

The State of Alaska Department of Environmental Conservation (ADEC) has requested that EPA proceed with listing the site on the NPL because of the magnitude and location of contamination source areas upland and in the Bay, and because of the impacts on Kasaan Bay and the subsistence and commercial fisheries and shell fisheries which support the local native population. Negotiations with the Forest Service over the past few years have not been successful. According to ADEC, NPL listing of the site is the only option that will ensure that the entire site will be addressed in a timely and comprehensive manner. EPA received a letter of support for placing this site on the NPL from the State.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at http://www.atsdr.cdc.gov/toxfaq.html or by telephone at I-888-42-ATSDR or 1-888-422-8737.



NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit <u>www.regulations.gov</u>.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

COMMITTEE ON ARMED SERVICES

MARK BEGICH ALASKA 10-001-5925 COMMITTEE ON VETERANS' AFFAIRS

COMMITTEE ON THE BUDGET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

United States Senate

WASHINGTON, DC 20510 September 9, 2010

Ms. Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, DC 20460

Dear Administrator Jackson:

Thank you for taking the time to speak with Fairbanks North Star Borough Mayor Luke Hopkins and for having your Regional Administrator respond to him regarding the challenges the Fairbanks community faces in meeting your agency's date for attaining compliance with Particulate Matter_{2.5} standards.

As you heard from him in the call and his letters, the Borough is making a good faith effort in its attainment plan, but has limited options for reducing particulate emissions to meet a more stringent standard.

I would appreciate it if your agency would continue their collaboration with the Borough to develop a workable fine particulate emission model to enable the evaluation of the benefits of alternate pollution control strategies. Please give every consideration to their input. My staff is available to assist you in any way possible.

I know how demanding your schedule is, but I hope you can make another trip to Alaska and include Fairbanks on your itinerary as well as other communities in which there are matters pending that pertain to the Environmental Protection Agency.

Thank you again for time and consideration.

Sincerely,

Mark Begich

United States Senator

Cc: The Honorable Luke Hopkins, Mayor, North Star Borough Mr. Dennis McLerran, Regional Administrator

COMMITTEE ON ARMED SERVICES COMMITTEE ON

COMMERCE, SCIENCE, AND TRANSPORTATION

MARK BEGICH ALASKA

11-000-510

COMMITTEE ON VETERANS, AFFAIRS

COMMITTEE ON THE BUDGET

United States Senate

WASHINGTON, DC 20510

March 31, 2011

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

With Alaska the closest American state to Japan, residents of my state have been closely following the terrible tragedy after the devastating earthquake there. Alaskans have generously responded with relief and prayers, and Alaska-based military members have supported both military and humanitarian initiatives. We know our citizens are in regular contact with friends in Japan.

Now press reports suggest radiation from leaking Japanese nuclear reactors may be making its way to our state. I am concerned to read that Environmental Protection Agency (EPA) radiation monitors in Unalaska recorded the highest radioactive iodine fallout in the country among all reporting stations in mid-March. While these levels are relatively high in comparison with other states, State of Alaska officials indicate the overall radioactive readings are fairly insignificant.

I also was concerned to see readings from other monitoring stations in Anchorage and Fairbanks were not available because of a backlog at the EPA lab in Alabama. I request the EPA continue to monitor potential radiation from Japanese reactors, especially along the coast of Alaska where it is likely to be detected first among United States. I further request the EPA place a high priority on processing readings from other Alaska and West Coast monitors so residents of Alaska and other states are fully aware of any potential health hazards.

Thanks for your assistance in this matter.

Sincerely.

Mark Begich

United States Senate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, WA 98101-3140

OFFICE OF THE REGIONAL ADMINISTRATOR

MAY 1 8 2011

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter of March 31, 2011. I appreciate your expressed concerns regarding the current Fukushima nuclear power plant situation in Japan, and your request for high priority processing of data from Alaska and West Coast radiation monitors.

The United States Environmental Protection Agency's (EPA) nationwide radiation monitoring system RadNet, continuously monitors the Nation's air, and regularly monitors drinking water, milk and precipitation for environmental radiation. The network contains more than 100 air monitors across the United States that provides overlapping coverage in the event one is down for maintenance or repair.

Currently, there are three fixed air radiation monitors in Alaska, located in Anchorage, Fairbanks, and Juneau. In order to aid us in gathering data from locations closer to Japan, EPA's National Air and Radiation Environmental Laboratory (NAREL) deployed three additional air radiation monitors to Dutch Harbor, Juneau, and Nome, Alaska. We also sent a deployable monitor to Juneau because the fixed monitor was in need of repair. Recently, the Juneau deployable monitor was returned back to EPA's Las Vegas warehouse for repairs, but the fixed monitor is in place and is functioning. While EPA's radiation air monitors have been able to detect radioactive isotopes from the damaged nuclear reactors in Japan, these detections as expected, have been below levels of public health concern.

As part of the federal government's ongoing effort to make our activities and science transparent and available to the public, EPA will continue to post all RadNet monitoring data in our online database, accessible through the EPA website: www.epa.gov/japan2011. In addition, all Japan 2011 related RadNet monitoring data is also being compiled with the rest of the RadNet dataset in EPA's Envirofacts database: www.epa.gov/enviro. All monitoring data is being shared with the state government to ensure that communication regarding public health and safety concerns can be relayed to the public.

Again, thank you for your letter. If you have further questions or concerns, please feel free call me at (206) 553-1234.

Sincerely,

Dennis J. McLerran Regional Administrator

12-001-0074

Congress of the United States

Washington, DC 20510

June 7, 2012

The Honorable Lisa Jackson Administrator U. S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, NW Washington, DC 20460

RE: Digital Mapping Roundtable

Dear Administrator Jackson:

We write to encourage your attendance at an important event for Alaska. On June 28 at 1:00 p.m., the State of Alaska and the U. S. Geological Survey are co-hosting a formal discussion focused on the need to complete the collection of improved elevation data over our nation's largest state. Attendees are expected to include Department of the Interior Deputy Secretary David Hayes and other federal and state agency directors, project managers, industry, and government stakeholders.

The goal of the roundtable is to raise awareness and to explore options for a joint funding strategy to accelerate acquisition of statewide 5-meter IfSAR collection across Alaska. Alaska's Statewide Digital Mapping Initiative (SDMI) group, in coordination with multiple state and federal agencies, has taken the lead in completing this coverage. As part of the discussion, participants will provide insight into their respective needs, interests, and capabilities in completing the acquisition.

This roundtable is expected to cover a wide range of issues from basic transportation navigational aids to emergency management planning tools. This coverage includes, but is not limited to, an overview of digital mapping and its national implications; the results of the requirement studies performed to date and the subsequent recommendation for 5-meter elevation coverage; the benefit analysis for this program's completion; and a review of potential funding scenarios to accelerate completion of the dataset.

We understand the event co-hosts have reached out to you with an invitation for this event, and we urge you to consider accepting that invitation.

Sincerely,

Lisa Murkowski

United States Senator

Mark Begich

United States Senator

Don Young

Congressman for Alaska

11-001-9943

United States Senate

WASHINGTON, DC 20510

November 28, 2011

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

We write to express our concerns regarding recent regulations of sewage sludge incinerators at publicly owned treatment works' (POTWs). These new regulations, promulgated in March of 2011, impose unnecessary air emissions requirements for incinerators burning domestic sewage sludge at POTWs under §129 of the Clean Air Act (CAA).

For 46 years Congress has regulated the disposal of sewage sludge pursuant to §405 of the Clean Water Act (CWA). By applying §129 standards for sewage sludge incineration emissions, EPA is not only ignoring its CWA statutory authority, but it is also exceeding specific authority in the CAA. EPA does have CAA authority to propose further standards than those in the CWA, however this authority lies in §112 rather than §129. There is clear statutory instruction in §112 directing hazardous air emission standards applicable to POTWs with sewage sludge incinerators to be developed pursuant to this section's guidelines.

In these uncertain economic times, it is incumbent upon EPA to make sure it is on the firmest possible legal grounds when promulgating new regulations with potentially burdensome and expensive implications. Burdensome regulations such as these have the potential to significantly increase consumer rates in our states and elsewhere. We therefore urge you to reconsider this action and continue to regulate POTWs' sewage sludge incinerators in accordance with §405 of the CWA and pursuant to §112 of the CAA.

Thank you for your consideration of this matter. Please do not hesitate to contact my office should you have questions or like to discuss this further.

Sincerely,

La Hunt

Doll to



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 1 2 2012

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter dated November 28, 2011, co-signed by four of your colleagues, addressed to Administrator Lisa Jackson, regarding the U.S. Environmental Protection Agency's Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units (SSI). The Administrator asked that I respond on her behalf.

Specifically, your letter questions the EPA's authority in regulating SSI units under Clean Air Act (CAA) section 129, instead of CAA section 112, and in addition to Clean Water Act (CWA) regulations. The EPA promulgated the final SSI rules on February 21, 2011, pursuant to CAA section 129. The EPA explained in the preamble to the final rule its reasons for regulating SSI under section 129 rather than section 112, as well as the relationship to the EPA's regulations issued under CWA section 405.(See 76 FR 15373-15376, 15382-15384). Based on our analysis of the statutes and of relevant case law, we concluded that SSI units must be regulated pursuant to section 129 of the CAA. We believe that the emissions standards we set are feasible for the regulated industry to meet in a cost-effective manner and will also achieve important public health benefits.

Section 129 of the CAA, entitled, "Solid Waste Combustion," requires the EPA to develop and adopt standards for solid waste incineration units. Section 129 of the CAA also provides that "solid waste" shall have the meaning established by the EPA pursuant to its authority under the Resource Conservation and Recovery Act (RCRA). The EPA defined incinerated sewage sludge as a non-hazardous solid waste in the February 21, 2011, promulgated rule entitled "Identification of Non-Hazardous Secondary Materials That Are Solid Waste."

Section 129(g) of the CAA defines "solid waste incineration unit" to include any unit combusting any solid waste, and the Court in NRDC v. EPA rejected the EPA's position that it could choose to regulate certain units, combusting solid waste, under CAA section 112 instead of under CAA section 129. Since SSI units do combust solid waste, as defined under RCRA, the EPA does not have the discretion under CAA section 129 to create an exemption for SSI units from the statutory definition of solid waste. The court noted that CAA section 129(g) itself specifies certain units that combust solid waste are exempt from the definition and noted that where Congress created such enumerated exemptions, the EPA lacks discretion to create additional ones.

The SSI rules will benefit public health and the environment by achieving reductions of the CAA section 129 pollutants from SSI units beyond those required by regulations issued pursuant to the CWA. The SSI rules were undertaken to comply with the CAA and the court decision in NRDC v. EPA. The EPA further notes that section 405 of the CWA expressly provides that nothing in that section is intended to waive more stringent requirements of any other law. Therefore, Congress clearly did not intend for regulation of SSI units under the CWA to preclude any other regulations, including regulation under CAA section 129.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Gina McCarthy

Assistant Administrator

10-001-1459

COMMITTEE ON ARMED SERVICES

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

MARK BEGICH ALASKA COMMITTEE ON VETERANS' AFFAIRS
COMMITTEE ON THE BUDGET

United States Senate

WASHINGTON, DC 20510

July 8, 2010

The Honorable Lisa P. Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue NW Washington, DC 20460

Docket ID No. EPA-HQ-OAR-2007-0294

Dear Administrator Jackson.

Please accept my formal comments on the Environmental Protection Agency's (EPA) Advanced Notice of Proposed Rulemaking (ANPR) on lead emissions from piston-engine aircraft using leaded aviation gasoline (avgas).

I am extremely concerned the EPA may move to regulate emission standards from piston engine aircraft through phasing out or eliminating avgas. This would have a direct and significant negative impact on Alaskans.

The effect of any regulation of avgas by the EPA will be magnified in Alaska. With over 10,000 piston engine aircraft, Alaska is considered by many to be the small plane capital of the world. Our state has six times more pilots and 16 times more planes per capita than the rest of the country. The predominance of piston engine aircraft is a direct result of Alaska's expansive geography and limited road infrastructure. Over 80 percent of Alaska communities have no road access and rely completely on piston-engine aircraft to stay connected to the rest of the state.

Most of Alaska's rural communities are served by shorter gravel airstrips which cannot accommodate larger jet aircraft. Because of these logistical limitations, general aviation and air taxis are a critical component of commerce and are the prevalent method of transporting people, goods, and mail to Alaska's roadless communities. When Alaskans in a remote village require medical treatment at a hospital, most frequently they travel to a larger community via piston engine aircraft. The EPA's regulatory announcement for the proposed rulemaking on avgas states, "lead is not used in jet fuel, the fuel utilized by most commercial aircraft." While this statement may hold true for the Lower 48 states, the vast majority of commercial aircraft in Alaska are smaller piston-driven aircraft, which use avgas.

Administrator Jackson July 8, 2010 EPA-HQ-OAR-2007-0294 Page 2

In addition to the important role they play in statewide commerce, piston engine aircraft are an integral tool for research and transportation services for various federal agencies' operations in Alaska. The National Oceanic and Atmospheric Administration, Minerals Management Service, U.S. Fish and Wildlife Service, U.S. National Forest Service, and the U.S. National Park Service all utilize piston engine aircraft to carry out their missions.

If the EPA phases out or eliminates low lead avgas, many communities would be forced to use larger turboprop aircraft. Turboprop aircraft have significantly higher operating costs, as well as a larger carbon footprint. Additionally, not all turboprop aircraft can land on the short gravel runways typical of rural Alaska. Any regulation of avgas may have the unintended consequence of increasing greenhouse gas emissions from aircraft. These additional costs would be borne by rural Alaskans who already face some of the highest costs of living in the country.

The ANPR correctly concludes, "converting in-use aircraft/engines to operate on unleaded aviation gasoline would be a significant logistical challenge, and in some cases a technical challenge as well." Currently, there is no substitute fuel for 100 Low Lead (100LL), the most common type of avgas. The EPA should not phase out or eliminate 100LL until a suitable replacement is found. A suitable substitute fuel should be affordable and should not require costly or impractical engine or airframe modifications to the in-use piston engine aircraft fleet.

Transitioning to an unleaded avgas is a desirable goal which the aviation industry in partnership with the FAA and EPA should continue to work towards. In an effort to find a replacement fuel the FAA, in conjunction with the aviation and petrochemical industries, must direct additional resources to developing an unleaded alternative to 100LL. As a Senator, I will support the FAA and industry's efforts to perform the necessary research and certification of an unleaded substitute fuel.

Any new regulatory standard requiring transition to an unleaded aviation gasoline poses significant challenges to the aviation community and has safety implications for my constituents. I implore you to carefully consider the comments submitted by Alaskans who will be most directly affected by the EPA's decision.

I appreciate the EPA's extension of the comment period on this rulemaking to August 27, 2010. In an effort to ensure impacted parties have ample opportunity to submit comments, I respectfully request you extend the comment period for this rulemaking for an additional two months to October 31, 2010. The summer months are the busiest time of year for Alaska's aviators, many of whom operate small businesses. An additional 60

Administrator Jackson July 8, 2010 EPA-HQ-OAR-2007-0294 Page 3

days would allow more time for Alaskans to fully review and comment on the proposed rulemaking.

Finally, as co-chair of the Senate General Aviation Caucus, I invite the EPA to work with our Caucus to more thoroughly address the challenges posed by this proposed rulemaking.

The premature regulation of leaded avgas will have a substantially negative impact on transportation, health, and safety in Alaska. At this point, the potential costs to Alaska associated with regulating avgas far outweigh the benefits and threaten to leave Alaska's rural communities without a reliable means of transportation. Thank you for the opportunity to provide comments on this important issue and for your attention to this request. Please do not hesitate to contact me if you wish to discuss this further.

Sincerely,

Mark Begich

United States Senator

cc: The Honorable J. Randolph Babbitt, FAA Administrator
The Honorable Senator Mike Johanns, Senate GA Caucus Co-Chair



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 3 0 2010

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20515

Dear Senator Begich:

Thank you for your letter of July 8, 2010, to Administrator Jackson regarding our recent Advance Notice of Proposed Rulemaking (ANPR) on Lead Emissions From Piston-Engine Aircraft Using Leaded Aviation Gasoline. The Administrator has asked that I respond to your letter.

I want to assure you that the U.S. Environmental Protection Agency (EPA) recognizes the value of piston-engine general aviation in Alaska. Any EPA action to require piston-engine aircraft to be able to operate safely and effectively on unleaded aviation gasoline in the future will involve a thorough process of identifying options and will consider economic and other impacts. This would be done in concert with the U.S. Federal Aviation Administration (FAA), states, industry groups and user groups. If we decide to act, the next step would be a Notice of Proposed Rulemaking (NPRM), which would present a specific regulatory proposal and analysis and provide another opportunity for public comment.

We are very interested in comments from Alaskans and have extended the comment period by 60 days, until August 27, 2010. We believe a 120-day comment period is appropriate, especially because it is an ANPR. As we noted above, there will be additional opportunity for public comment if an NPRM is issued. Nevertheless, we understand your concern that the summer is busy for Alaska's aviators, and we will make every attempt to consider any comments received after the close of the comment period.

We appreciate the information you submitted about potential impacts on Alaskan communities, including the potential economic impacts. We will carefully consider your comments, and we will take your concerns into account as we move forward in our rulemaking process. Additionally, we would be happy to work with the Senate General Aviation Caucus.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Gina McCarthy

Assistant Administrator

10-001-1342

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United States Senate

COMMITTEE ON
AGRICULTURE, NUTRITION, AND FORESTRY
WASHINGTON, DC 20510-6000
202-224-2035

July 2, 2010

SAXDY CHAMBLISS, GEORGIA RANKING REPUBLICAN MEMBER

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JOHN CORNYN, TEXAS

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460

Dear Administrator Jackson:

We are very concerned about the U.S. Environmental Protection Agency's (EPA) decision in the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule to consider the emissions from biomass combustion the same as emissions from fossil fuels.

EPA's decision contradicts long-standing U.S. policy, as well as the agency's own proposed Tailoring Rule. Emissions from the combustion of biomass are not included in the Department of Energy's voluntary greenhouse gas (GHG) emissions reporting guidelines and neither are they required to be reported under EPA's GHG Reporting Rule. In the proposed Tailoring Rule, EPA proposed to calculate a source's GHG emissions based upon EPA's Inventory of U.S. GHG Emissions and Sinks. The GHG Inventory excludes biomass emissions.

We think you would agree that renewable biomass should play a more significant role in our nation's energy policy. Unfortunately, the Tailoring Rule is discouraging the responsible development and utilization of renewable biomass. It has already forced numerous biomass energy projects into timbo. We are also concerned that it will impose new, unnecessary regulations on the current use of biomass for energy.

We appreciate that EPA intends to seek further comments on how to address biomass emissions under the PSD and Title V programs. With this rule, the agency has made a fundamental change in policy with little explanation. We strongly encourage you to reconsider this decision and immediately begin the process of seeking comments on it. In addition, we appreciate Secretary of Agriculture Tom Vilsack's commitment to working with EPA on this issue and encourage you to utilize the expertise of the U.S. Department of Agriculture.

Please let us know as soon as possible the agency's plans on this matter. We appreciate your attention to this important issue.

Sincerely,

Sayly Chaullin

Lordwicker Susan Collins Hay R Hayan My While Cryso Thellalum Office Jan King Boh Carey, Dr. Al Lessims Patty Manay Stympie Snowe Mul Bayon Mark R Women Richard Haltes Jeffen J. Merken Jack Tech Caplied

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 0 9 2010

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20515

Dear Senator Begich:

Thank you for your July 2, 2010, letter to Administrator Jackson raising concerns regarding the treatment of biomass combustion emissions in the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule (the "Tailoring Rule"). At her request, I am writing to respond.

I would like to address your comments about the treatment of biomass combustion emissions in the final Tailoring Rule and to assure you that we plan to further consider how the PSD and Title V permitting programs apply to these emissions.

As you noted, the final Tailoring Rule does not exclude biomass-derived carbon dioxide emissions from the calculations for determining PSD and Title V applicability for GHGs. To clarify a point made in your letter, the proposed Tailoring Rule also did not propose to exclude biomass emissions from the calculations for determining PSD and Title V applicability for GHGs. The proposed Tailoring Rule pointed to EPA's Inventory of Greenhouse Gas Emissions and Sinks for guidance on how to estimate a source's GHG emissions on a CO₂-equivalent basis using global warming potential (GWP) values¹. This narrow reference to the use of GWP values for estimating GHG emissions was provided to offer consistent guidance on how to calculate these emissions and not as an indication, direct or implied, that biomass emissions would be excluded from permitting applicability merely by association with the national inventory.

We recognize the concerns you raise on the treatment of biomass combustion emissions for air permitting purposes. As stated in the final Tailoring Rule, we are mindful of the role that biomass or biogenic fuels and feedstocks could play in reducing anthropogenic GHG emissions, and we do not dispute observations that many federal and international rules and policies treat biogenic and fossil fuel sources of CO₂ emissions differently. Nevertheless, we explained that the legal basis for the Tailoring Rule, reflecting specifically the overwhelming permitting burdens that would be created under the statutory emissions thresholds, does not itself provide a rationale for excluding all emissions of CO₂ from combustion of a particular fuel, even a biogenic one.

¹ See 74 FR 55351, under the definition for 'carbon dioxide equivalent'.

The fact that in the Tailoring Rule EPA did not take final action one way or another concerning such an exclusion does not mean that EPA has decided that there is no basis for treating biomass CO₂ emissions differently from fossil fuel CO₂ emissions under the Clean Air Act's PSD and Title V programs. The Agency is committed to working with stakeholders to examine appropriate ways to treat biomass combustion emissions, and to assess the associated impacts on the development of policies and programs that recognize the potential for biomass to reduce overall GHG emissions and enhance U.S. energy security. Accordingly, today we issued a Call for Information² asking for stakeholder input on approaches to addressing GHG emissions from bioenergy and other biogenic sources, and the underlying science that should inform these approaches. Taking into account stakeholder feedback, we will examine how we might address such emissions under the PSD and Title V programs. We will move expeditiously on this topic over the next several months. As we do so, we will continue to work with key stakeholders and partners, including the U.S. Department of Agriculture, whose offices bring recognized expertise and critical perspectives to the issues at hand.

Thank you again for your continued interest in this issue. If you have any questions, please contact me, or your staff may contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely.

Gina McCarthy

Assistant Administrator

² Posted online at http://www.epa.gov/climatechange/emissions/biogenic_emissions.html

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BETTINA POIRIER, MAJORITY STAFF DIRECTOR BUTH VAN MARK, MINDRITY STAFF DIRECTOR 12-600-0602 -

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

January 12, 2012

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

Americans spent more of their hard-earned dollars to purchase gasoline in 2011 than in any prior year. With nationwide prices currently averaging \$3.38 per gallon, high energy costs continue to sap our nation's economic strength and represent a significant burden for many of our nation's families and businesses. As we pursue responsible policies in Congress to make energy more affordable, we recognize that another factor – regulations from federal agencies – can also impact the prices that consumers and businesses pay at the pump.

We write to express our concern with one such regulation, Tier 3 standards for gasoline, that EPA is reportedly preparing to propose. With gasoline prices already high, and with so many Americans already struggling to make ends meet, we urge you to recognize that now is not the time for new regulations that will raise the price of fuel even further.

The current EPA standard for sulfur in gasoline, 30 parts per million (ppm), was phased in from 2004 to 2009 as a part of the Tier 2 emissions standards. The Tier 2 standards lowered sulfur content in gasoline from 300 ppm, equivalent to a 90% reduction. It is our understanding that the Notice of Proposed Rulemaking for the next standard could reduce the content of sulfur in gasoline to as low as 10 ppm.

While we certainly support reducing air pollution, experts suggest it will be expensive to remove additional and de minimis amounts of sulfur from fuel. In fact, a recent study conducted by Baker & O'Brien, a professional consulting firm, estimates that capital and annual operating costs associated with implementing a standard of 10 ppm per year could be up to \$17 billion and \$13 billion respectively. Depending on the stringency of the proposed rule, that could add 12 to 25 cents to each gallon of gasoline. At the same time, the study found that several fuel manufacturers will not likely be able to comply, which will force plant closures – resulting in both direct and indirect job losses.

The potential economic impacts of the Tier 3 standards will be aggravated by the suite of other air quality regulations being pushed by the Administration. These rules include pending Maximum Achievable Control Technology (MACT) requirements and New Source Performance

Standards (NSPS). Additional requirements for particulate matter (PM) and nitrogen oxides (NOX) may also be imposed under increasingly stringent ambient air quality standards. Collectively, these rules would add tens of billions of dollars to fuel manufacturers' operational and capital costs — and those firms will pass much or all of those costs on to consumers in the form of higher gasoline prices.

The Clean Air Act (CAA) generally allows EPA to alter the content of gasoline if its emissions are found to either "endanger the public health or welfare" or "impair to a significant degree the performance of any emission control device or system." But there is no strict requirement to lower the sulfur content in gasoline. The language of 42 USC 7545(c) is discretionary, not mandatory.

In setting these standards, the relevant sections of the CAA require consideration of all available scientific and economic data, including a cost-benefit analysis. We understand that EPA is now compiling this information. However, we believe the Agency should first allow for a thorough public examination of existing rules and the costs associated with new Tier 3 requirements – as well as potential consequences for fuel production, reliability, and deliverability – before moving forward with a proposed rulemaking.

There are multiple requirements governing the content of our nation's gasoline supply. The effect each of these standards has on emissions is complex and cannot be considered in a vacuum. One example is the Renewable Fuel Standard Program (RFS2), which requires increasing amounts of renewable biofuel to be blended into the nation's fuel supply. We believe the public should be allowed to consider the results of the anti-backsliding study required under the Energy Independence and Security Act of 2007 (EISA) before new Tier 3 standards are adopted. Congress intended for this study to evaluate the impact of the RFS2 on air quality. Although your office has testified that this study will be completed in conjunction with the proposed Tier 3 standards, we maintain that EPA cannot thoughtfully analyze its results while simultaneously proposing a new rule. Moreover, the public should be allowed to review the results of this analysis before a new rulemaking is initiated.

We also encourage EPA to study whether Tier 3 standards could conflict with other rules your agency is implementing. For example, the Baker & O'Brien study found that compliance with Tier 3 standards would require additional hydrotreating, which increases other currently regulated emissions. If fuel-producing facilities are forced to comply by operating those technologies, they could run afoul of other rules that EPA is developing related to greenhouse gas emissions. This would amount to a form of regulatory double jeopardy, and the higher costs it entails would be followed by higher energy prices.

In the end, this is about people and communities. There are 147 refineries located across the country, from Alaska and Washington to Montana and Pennsylvania. They supply well paying manufacturing jobs for their surrounding communities. If plants close as a result of this or other EPA rules, workers will lose their jobs, local and small businesses will lose their customers, and state and local governments will lose tax revenue. Likewise, if EPA does not proceed carefully with its regulations, the nationwide price of fuel could increase to the further detriment of consumers and businesses.

For these reasons, we urge EPA to reconsider the timing of Tier 3 standards for gasoline. We also ask you to provide Congress and the public with as much notice as possible in advance of any formal proposal. We support clean air, but EPA should provide adequate scientific justification for all aspects of the proposed rule, thoughtfully reflect on the results of the yet-to-be completed anti-backsliding study, and understand the cumulative effects of all existing and pending air regulations on families and workers.

We thank you for your consideration of these concerns.

Sincerely,



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 1 9 2012

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter of January 12, 2012, co-signed by five of your colleagues, concerning the U.S. Environmental Protection Agency's forthcoming proposal of the "Tier 3" light-duty vehicle emissions and gasoline standards.

The EPA is developing the Tier 3 standards to respond to the critical need to improve air quality, and to enable a harmonized national vehicle emissions control program. This rule would reduce motor vehicle emissions and help state and local areas attain and maintain the existing health-based air quality standards in a cost-effective and timely way. Lower sulfur gasoline is necessary to operate the pollution control equipment to achieve new Tier 3 vehicle standards, and will facilitate the development of lower cost technologies to improve fuel economy. Improvements in fuel economy reduce gasoline consumption and save consumers money.

The Tier 3 standards would create a comprehensive regulatory approach that provides certainty for both the auto and oil industries. Under a single harmonized national vehicle program, the Tier 3 standards would provide for coordinated implementation with the California vehicle program and the EPA and Department of Transportation's recently proposed light-duty vehicle standards to reduce carbon pollution and improve fuel economy for model years 2017 through 2025. The proposed standards are projected to save approximately 4 billion barrels of oil and 2 billion metric tons of carbon pollution over the lifetime of the vehicles. Vehicles meeting these standards are projected to provide average net savings to consumers of \$3,000 to \$4,000 per vehicle. Further, the coordinated timing of the Tier 3 and refinery sector rules provides the oil industry regulatory certainty and opportunities for cost-efficiency.

We understand that even minimal increases in the cost of gasoline are of importance to the American public. That is why EPA conducted extensive refinery modeling to understand the cost impacts of a variety of fuel requirements. As a result, the only fuel requirement we are considering for Tier 3 is one that would lower the amount of sulfur in gasoline. As with lead, sulfur in fuel impairs the functioning of emission control equipment. By focusing only on sulfur requirements in Tier 3, we estimate the costs to be approximately one penny per gallon in 2017, an estimate that is supported by a recent study by Mathpro.

Your letter expressed concern about the regulation's potential effects on the refining industry and gasoline supply. Let me assure you that as many as 17 refineries are already able to meet the 10 ppm sulfur standards we are considering, and some are currently producing and exporting to

European countries gasoline that meets this standard (which is also required in places like Japan, South Korea, and a number of other countries). The regulatory flexibility we intend to build into the Tier 3 standards, similar to the flexibility we provide in our current fuel programs, will ensure that the Tier 3 standards under consideration would not cause refinery closures or negatively impact gasoline supply.

Your letter points to the need for thorough scientific, cost, and benefits analyses before proceeding. Let me assure you and your colleagues that we agree that this major rule requires robust and transparent analyses of air quality, technological feasibility, and costs, as well as potential benefits. As we continue to develop the proposed rule, which has not yet been published for comment, we are conducting and documenting a wide range of analyses in all of these areas.

Your letter also asks that the public should be allowed to consider the results of the anti-backsliding study required under the Energy Independence and Security Act. I want to emphasize that the Tier 3 rule is independent of the anti-backsliding study required by sections 211(q) and 211(v) of the Clean Air Act. The Tier 3 rule is focused on vehicle emissions standards in response to our obligations and authority under section 202(a) and the fuel necessary to enable them in response to our obligations and authority under section 211(c). In contrast, the anti-backsliding study will examine the broader issues related to impacts of renewable fuels, and it is required as a prerequisite to regulations under section 211(v). The anti-backsliding study will not affect any decisions about gasoline sulfur, which are being informed by a thorough analysis of the impact of gasoline sulfur on vehicle emissions and the air quality benefits of reduced motor vehicle emissions. We are not promulgating standards under section 211(v) in the Tier 3 rulemaking.

Regarding the refinery sector rule, we agree that thorough analysis of available data is crucial in the generation of common sense emission control standards. We have worked diligently to evaluate and analyze data received through the Information Collection Request. We have taken and will continue to take into consideration the perspective and input of stakeholders as we strive to develop a reasonable rulemaking that will achieve meaningful and cost-effective pollution reductions in the refining industry.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Gina McCarthy

Assistant Administrator

- - 11-000-9233

THE WHITE HOUSE OFFICE REFERRAL

May 31, 2011

TO: ENVIRONMENTAL I	PROTECTION AGENCY
ACTION COMMENTS:	
ACTION REQUESTED:	APPROPRIATE ACTION
REFERRAL COMMENTS	
DESCRIPTION OF INCOM	AING:
ID:	1056373
MEDIA:	EMAIL
DOCUMENT DATE:	May 26, 2011
TO:	PRESIDENT OBAMA
FROM:	THE HONORABLE KENT CONRAD UNITED STATES SENATE WASHINGTON, DC 20510
SUBJECT:	WRITES TO ASK THE ADMINISTRATION TO RAPIDLY FINALIZE A RULE REGULATING COAL COMBUSTION RESIDUES (CCRs) UNDER SUBTITLE D THE NON-HAZARDOUS SOLID WASTE PROGRAM OF THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
COMMENTS:	
	
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PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.

RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT, ROOM 85, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500 FAX A COPY OF REPONSE TO: (202) 456-5881

THE WHITE HOUSE DOCUMENT MANAGEMENT AND TRACKING WORKSHEET



DATE RECEIVED: May 31, 2011

CASE ID: 1056373

NAME OF CORRESPONDENT: THE HONORABLE KENT CONRAD

SUBJECT:

WRITES TO ASK THE ADMINISTRATION TO RAPIDLY FINALIZE A RULE REGULATING COAL COMBUSTION RESIDUES (CCRs) UNDER SUBTITLE D THE NON-HAZARDOUS SOLID WASTE

PROGRAM OF THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

		(STAFF NAME)	ACHON		DISPOSITION GATE GOOD COMPLETED	
ROUTE TO: AGENCY/OFFICE						
LEGISLATIVE AFFAIRS		ROB NABORS	ORG	05/31/2011		
	ACTION COMMENTS:					
ENVIRONMENTAL PROT	ECTION AGENCY	,	Α.	05/31/2011		
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COMMENTS: 43 ADDL SIGNEES

MEDIA TYPE: EMAIL

USER CODE:

ACTION CODES		DISPOSITION	
A = APPROPRIATE ACTION	TYPE RESPONSE	DISPOSITION CODES	COMPLETED DATE
I = INFO COPY/NO ACT NECESSARY	INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS	A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY	DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)

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REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-456-2590
SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM
85, EEQB.

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United States Senate

WASHINGTON, DC 20510

May 26, 2011

The Honorable Barack Obama President of the United States The White House 1600 Pennsylvania Avenue NW Washington, DC 20500

Dear President Obama:

In November, the public comment period concluded on the Environmental Protection Agency's (EPA's) proposed rulemaking for the regulation of coal combustion residues (CCRs). We write to ask the Administration to rapidly finalize a rule regulating CCRs under subtitle D, the non-hazardous solid waste program of the Resource Conservation and Recovery Act (RCRA).

The release of CCRs from the Tennessee Valley Authority impoundment in December 2008 properly caused the EPA to consider whether CCR impoundments and landfills should meet more stringent standards. All operators should meet appropriate standards, and those who fail to do so should be held responsible. We believe regulation of CCRs under subtitle D will ensure proper design and operations standards in all states where CCRs are disposed.

A swift finalization of regulations under subtitle D offers the best solution for the environment and for the economy. The environmental advantages of the beneficial use of CCRs in products such as concrete and road base are well-established. For example, a study released by the University of Wisconsin and the Electric Power Research Institute in November 2010 found that the beneficial use of CCRs reduced annual greenhouse gas emissions by an equivalent of 11 million tons of carbon dioxide, annual energy consumption by 162 trillion British thermal units, and annual water usage by 32 billion gallons. These numbers equate to removing 2 million cars from our roads, saving the energy consumed by 1.7 million American homes, and conserving 31 percent of the domestic water used in California.

We are concerned that finalizing a rule regulating CCRs under subtitle C of RCRA rule would permanently damage the beneficial use market. Since the EPA first signaled its possible intention to regulate CCRs under subtitle C, financial institutions have withheld financing for projects using CCRs, and some end-users have balked at using CCRs in their products until the outcome of the EPA's proposed rulemaking is known. Already, beneficial use of CCRs has decreased, and landfill disposal has increased. This result is counterproductive but likely to continue as long as the present regulatory uncertainty persists.

The Honorable Barack Obama May 26, 2011 Page 2

State environmental protection agencies have cautioned the EPA that regulating CCRs under subtitle C will overwhelm existing hazardous waste disposal capacity and strain budget and staff resources. Moreover, the bureaucratic and litigation hurdles involved in a subtitle C rule could lead to long delays before storage sites are upgraded or closed, resulting in slower environmental protection.

In two prior reports to Congress, the EPA concluded that disposed CCRs did not warrant regulation under subtitle C of RCRA. Despite this prior conclusion, the EPA's proposed subtitle C option would regulate CCRs more stringently than any other hazardous waste by applying the subtitle C rules to certain inactive and previously closed CCR units. The EPA has never before interpreted RCRA in this manner in over 30 years of administering the federal hazardous waste rules. The subtitle C approach is not supportable given its multiple adverse consequences and the availability of an alternative, less burdensome regulatory option under RCRA's non-hazardous waste rules that, by the EPA's own admission, will provide an equal degree of protection to public health and the environment.

In conclusion, we request that the Administration finalize a subtitle D regulation as soon as possible. The states and the producers of CCRs have raised concerns that should be corrected in a final subtitle D rule, including ensuring that any subtitle D regulations are integrated with and administered by state programs. Subtitle D regulation will improve the standards for CCR disposal, ensure a viable market for the beneficial use of CCRs, and achieve near-term meaningful environmental protection for disposed CCRs.

Thank you very much for your consideration of this important matter. We look forward to your response and to working with you to address this issue in a manner that is both environmentally and economically sound.

Sincerely,

Kent Conrad United States Senate

Joe Manchin/III

United States Senate

Michael B. Enzi United States Senate

Ribael B. Lai

Johnny Isakson
United States Senate

The Honorable Barack Obama May 26, 2011 Page 3

Jerry Moran United States Senate

Daniel Coats

United States Senate

United States Senate

Thad Cochran United States Senate

Roy Blunt United States Senate

States Senate

Claire McCaskill United States Senate

Lisa Murkowski United States Senate

Ben Nelso United States Senate

United States Senate

The Honorable Barack Obama May 26, 2011 Page 4 John Thune United States Senate

David Vitter United States Senate

United States Senate

Bob Corker United States Senate

Mark L. Pryor

United States Senate

Mark R. Warner

United States Senate

Mike Lee United States Senate

Max Baucus United States Senate

Richard Burr United States Senate

Lindsey Graham United States Senate

United States Senate

Richard G. Lugar United States Senate

Rob Portman United States Senate

Richard C. Shelby United States Senate

The Honorable Barack Obama May 26, 2011 Page 5

Patrick J. Toomey United States Senate

Dean Heller United States Senate

Mark Begich United States Senate

Saxby Chambliss

Herb Kohl United States Senate

John D. Rockefeller V United States Senate John Cornyn

United States Senate

Lamas Atexander

Lamar Alexander United States Senate

Chuck Grassley United States Senate

Mark Kirk

United States Senate

James E. Risch United States Schate

Ron Johnson

United States Senate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 18 2011

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter of May 26, 2011, to President Barack Obama in which you asked that the U.S. Environmental Protection Agency (EPA) finalize a rule regulating coal combustion residuals (CCR) under Subtitle D of the Resource Conservation and Recovery Act (RCRA) as soon as possible. I appreciate your comments regarding the CCR rule that the EPA proposed on June 21, 2010.

As you note in your letter, the regulation of CCR intended for disposal is appropriate, and the agency agrees with you that operators should meet appropriate standards, or be held accountable. The agency also shares your belief that the beneficial use of CCR, if conducted in a safe and environmentally protective manner, has many environmental advantages and should be encouraged.

Under the proposal, the EPA would regulate the disposal of CCR for the first time. As you know, the proposal sought public comment on two different approaches under RCRA. One option would treat such wastes as a "special waste" under Subtitle C of the statute, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The second option, as you indicated in your letter, would be to establish standards for waste management and disposal under the authority of Subtitle D of RCRA. The agency is currently reviewing and evaluating the approximately 450,000 public comments received on the proposal, many of which addressed the specific issues raised in your letter, before deciding on the approach to take in the final rule based on the best available science. The agency will issue a final regulation as expeditiously as possible.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine, in the EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859.

Sincerely,

Mathy Stanislaus

Assistant Administrator

Swan M. Collins BufSander Jo Li hum Ron Wyden Altranken Dim Johnson Chul Sch AngKlobban My Bances FornSarpen Henr Connel Janne Shaheen Jay Robyden Jan J. Kenny

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN - 6 2011

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter of May 5, 2011, to Lisa Jackson, Administrator of the U.S. Environmental Protection Agency (EPA), requesting that the Agency allocate \$15 million in its Programs and Management account to carry out the Safe Drinking Water Act's technical assistance authorization provision. As you describe, small communities often need assistance to improve and protect their water resources.

EPA gives consideration to the Nation's many critical environmental concerns and threats to human health, including those pertaining to rural water utilities. The Agency shares your commitment to supporting the needs of rural water utilities to help them comply with national laws and regulations.

The Agency is currently working to determine the best approach to support the technical assistance and training needs of rural communities. As the FY 2011 Enacted Operating Plan has recently been finalized, the review of options is ongoing.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Christina Moody, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0260.

Sincerely,

Bactara J. Bennett Chief Financial Officer COMMITTEE ON ARMED SERVICES

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

MARK BEGICH

1/- 100-2/6mmittee on Veterans' AFFAIRS
COMMITTEE ON THE BUDGET

United States Senate

WASHINGTON, DC 20510

January 27, 2011

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

I request your direct assistance in swiftly resolving outstanding issues created by the Environmental Appeals Board's (EAB) remand of Shell's air quality permits for exploration in the Beaufort and Chukchi Seas. These permits are critical to Alaska's economy and central to our nation's domestic energy supply.

I commend your Region 10 staff on their Motion for Reconsideration and/or Clarification of last Friday. However, as identified in that brief, the issues on remand have been unresolved in one form or another since at least 2007, and Shell's work toward obtaining permits began even earlier. The Environmental Protection Agency (EPA) itself requested a significant delay from the EAB on the appeal on these permits last summer. While last week's motion was a positive step, EPA must continue to vigorously defend these permits and expeditiously resolve any uncertainty surrounding them.

As you recall, my Alaska Congressional colleagues and I expressed our concern with the delays in issuing these permits and lack of agency resources devoted to them in July 2009. The intervening years have only heightened this concern and my frustration. I know you and your agency closely followed events surrounding a small and contained leak inside the Trans-Alaska Pipeline System's (TAPS) Pump Station One. Alyeska Pipeline Service Company appears to have swiftly and satisfactorily resolved this short term problem. However, the incident and West Coast crude markets' response to it highlight the importance of Alaska's North Slope production and TAPS. Today they produce and deliver between 10 and 12 percent of our domestic supply of crude oil.

The threat of a cold start up loomed over the recent TAPS incident, and this threat is a direct function of declining throughput. While state and federal lands onshore will make important contributions to lessening the decline, no province holds reserves the size of those estimated to lie beneath the Chukchi and Beaufort Seas. They are central to

The Honorable Lisa Jackson January 27, 2011 Page 2

keeping TAPS throughput at operational levels and lessening our dependence on foreign oil.

The national significance of Alaska, TAPS and these prospective resources demand a swift resolution of these permits, and future ones for the area, and an application of a corresponding level of effort from your agency to ensure that occurs. It is frustrating that this delay revolves around a type of permit routinely issued by the former Minerals Management Service in the Gulf of Mexico. It is further frustrating that the affected company, the State of Alaska, my Alaska Delegation colleagues and I all sought to help provide additional resources for the creation of a robust permit process and those efforts met with little interest. None of this should be seen as an attempt to exclude anyone's voice from being heard. On the contrary, a well resourced agency and process can only be more responsive to anyone's concerns regardless of position.

At this final hour, I seek your assurance that we will finally see an appropriate effort from your agency. I hope I need not remind you that federal leases last for ten years. If our government cannot resolve this problem expeditiously, we stand on the threshold of sending the signal to those who have invested significant resources that we do not take their investment seriously and to the American people that we are not truly committed to maintaining our national and economic security by lessening our dependence on foreign oil.

Thank you for time and your attention to this grave matter.

Sincerely,

Mark Begich

United States Senator

Cc: The Honorable Sean Parnell
The Honorable Edward Itta
Pete Slaiby, Shell Production Alaska
Trond-Erik Johansen, ConocoPhillips Alaska

Bill Schoellhorn, Statoil



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, Washington 98101-3140

OFFICE OF THE REGIONAL ADMINISTRATOR

MAR - 7 2011

The Honorable Mark Begich United States Senator 144 Russell Senate Office Building Washington, D.C. 20510

Dear Senator Begich:

I am responding on behalf of Administrator Jackson to your January 27th letter regarding swiftly resolving the outstanding issues involved in the Environmental Appeals Board's remand of Shell's air quality permits for exploration in the Beaufort and Chukchi Seas. Reissuance of these permits is of the utmost importance to the Environmental Protection Agency (EPA) and we are directing significant resources to this work in order to resolve the issues and reissue the permits by the end of this summer. In addition to Shell's permits for the Discoverer drill ship, by this fall EPA also intends to issue a permit to ConocoPhillips for exploratory drilling in the Chukchi Sea and additional permits to Shell for exploratory drilling in the Beaufort Sea with the Kulluk drill rig.

I can assure you that EPA will continue to vigorously defend permits that it issues under the Clean Air Act. Successfully defending a permit depends on several things. EPA must perform a thorough evaluation of information submitted by an applicant, to document its findings, and to draft permit conditions that comply with EPA regulations. Defensible permits also depend on applicants providing complete and timely information in order for EPA to issue permits in a timely manner. EPA must also take time to seriously consider and respond to public comments, including those from Tribal governments with whom we have a trust responsibility. Given the local and national public interest in these permits, and in drilling in the Arctic in general, and given the potential impact on the environment and local subsistence communities, it is especially important to provide meaningful opportunity for public comment.

You express frustration that EPA's air permits take longer than the Bureau of Ocean Energy Management, Regulation and Enforcement (formerly Minerals Management Service) approvals in the Gulf of Mexico. BOEMRE does not issue permits under the Clean Air Act, but instead approves exploration plans under the Outer Continental Shelf Lands Act. BOEMRE's air quality regulations (30 CFR 250.302 through 304) are not comparable to EPA's regulations implementing section 328 of the Clean Air Act (40 CFR Part 55). For example, BOEMRE's current rules do not address the more recent National Ambient Air Quality Standards (NAAQS) such as the 1-hour nitrogen dioxide (NO2) standard or the 1-hour sulfur dioxide (SO2) standard, or even the current standards for particulate matter (PM10 and PM2.5). BOEMRE's regulations also include broad exemptions which, if applied to Shell's proposed exploration in the Arctic, would exempt Shell from air quality requirements, including Best Available Control Technology

(BACT) and protection of the NAAQS and Prevention of Significant Deterioration (PSD) increments.

With respect to Region 10's resources for Outer Continental Shelf (OCS) permitting, we appreciate your understanding of our workload challenges. We have temporarily redirected resources from other work to expeditiously process Shell's and ConocoPhillips' permit applications, and we have received support from EPA Headquarters and other Regions. In addition, the FY 2012 President's Budget requests an increase of \$4.8 million and the addition of 25.0 Full Time Equivalent (FTE) nation-wide for Clean Air Act Permitting activities. These resources and FTE will support expanded PSD and Title V permit review by the Regional Offices and sector- and source-specific guidance from headquarters, including guidance on significant national policy issues. A portion of this increase could support OCS permitting work in FY 2012.

In closing, I want to assure you that EPA is committed to maintaining our national and economic security by lessening our dependence on foreign oil. EPA believes that such a goal can be met while continuing to comply with the environmental goals established by Congress. We take seriously the United States commitment to the companies that have invested in OCS leases. We look forward to working with the OCS lease holders to issue defensible permits in a timely manner in the future.

Sincerely,

Dennis J. McL'erran Regional Administrator

cc: The Honorable Sean Parnell
The Honorable Edward Itta
Pete Slaiby, Shell Production Alaska
Trond-Erik Johansen, ConocoPhillips Alaska
Bill Shoellhorn, Statoil

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YORK

40-001-2059 United States Senate

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY WASHINGTON, DC 20510–6000 202–224–2035 SAXBY CHAMBLISS, GEORGIA RANKING REPUBLICAN MEMBER

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JOHN THUNE. SOUTH DAKOTA
JOHN CORNYN, TEXAS

July 2, 2010

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460

Dear Administrator Jackson:

We are very concerned about the U.S. Environmental Protection Agency's (EPA) decision in the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule to consider the emissions from biomass combustion the same as emissions from fossil fuels.

EPA's decision contradicts long-standing U.S. policy, as well as the agency's own proposed Tailoring Rule. Emissions from the combustion of biomass are not included in the Department of Energy's voluntary greenhouse gas (GHG) emissions reporting guidelines and neither are they required to be reported under EPA's GHG Reporting Rule. In the proposed Tailoring Rule, EPA proposed to calculate a source's GHG emissions based upon EPA's Inventory of U.S. GHG Emissions and Sinks. The GHG Inventory excludes biomass emissions.

We think you would agree that renewable biomass should play a more significant role in our nation's energy policy. Unfortunately, the Tailoring Rule is discouraging the responsible development and utilization of renewable biomass. It has already forced numerous biomass energy projects into limbo. We are also concerned that it will impose new, unnecessary regulations on the current use of biomass for energy.

We appreciate that EPA intends to seek further comments on how to address biomass emissions under the PSD and Title V programs. With this rule, the agency has made a fundamental change in policy with little explanation. We strongly encourage you to reconsider this decision and immediately begin the process of seeking comments on it. In addition, we appreciate Secretary of Agriculture Tom Vilsack's commitment to working with EPA on this issue and encourage you to utilize the expertise of the U.S. Department of Agriculture.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 1 2 2010

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your July 2, 2010, letter co-signed by 24 of your colleagues, to Administrator Jackson raising concerns regarding the treatment of biomass combustion emissions in the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule (the "Tailoring Rule"). At her request, I am writing to respond.

I would like to address your comments about the treatment of biomass combustion emissions in the final Tailoring Rule and to assure you that we plan to further consider how the PSD and Title V permitting programs apply to these emissions.

As you noted, the final Tailoring Rule does not exclude biomass-derived carbon dioxide (CO₂) emissions from calculations for determining PSD and Title V applicability for greenhouse gases (GHGs). To clarify a point made in your letter, the proposed Tailoring Rule also did not propose to exclude biomass emissions from the calculations for determining PSD and Title V applicability for GHGs. The proposed Tailoring Rule pointed to the U.S. Environmental Protection Agency's (EPA) Inventory of Greenhouse Gas Emissions and Sinks for guidance on how to estimate a source's GHG emissions on a CO₂-equivalent basis using global warming potential (GWP) values¹. This narrow reference to the use of GWP values for estimating GHG emissions was provided to offer consistent guidance on how to calculate these emissions and not as an indication, direct or implied, that biomass emissions would be excluded from permitting applicability merely by association with the national inventory.

We recognize the concerns you raise on the treatment of biomass combustion emissions for air permitting purposes. As stated in the final Tailoring Rule, we are mindful of the role that biomass or biogenic fuels and feedstocks could play in reducing anthropogenic GHG emissions, and we do not dispute observations that many federal and international rules and policies treat biogenic and fossil fuel sources of CO₂ emissions differently. Nevertheless, we explained that the legal basis for the Tailoring Rule, reflecting specifically the overwhelming permitting burdens that would be created under the statutory emissions thresholds, does not itself provide a rationale for excluding all emissions of CO₂ from combustion of a particular fuel, even a biogenic one.

¹ See 74 FR 55351, under the definition for "carbon dioxide equivalent"

The fact that in the Tailoring Rule EPA did not take final action one way or another concerning such exclusion does not mean that EPA has decided that there is no basis for treating biomass combustion CO₂ emissions differently from fossil fuel combustion CO₂ emissions under the Clean Air Act's PSD and Title V programs. The Agency is committed to working with stakeholders to examine appropriate ways to treat biomass combustion emissions, and to assess the associated impacts on the development of policies and programs that recognize the potential for biomass to reduce overall GHG emissions and enhance US energy security. Accordingly, on July 9, 2010 we issued a Call for Information² asking for stakeholder input on approaches to addressing GHG emissions from bioenergy and other biogenic sources, and the underlying science that should inform these approaches. Taking into account stakeholder feedback, we will examine how we might address such emissions under the PSD and Title V programs. We will move expeditiously on this topic over the next several months. As we do so, we will continue to work with key stakeholders and partners, including the US Department of Agriculture, whose offices bring recognized expertise and critical perspectives to these issues.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina M. Carthy

Assistant Administrator

² Posted online at http://www.epa.gov/climatechange/emissions/biogenic_emissions.html

10-001-2001

COMMITTEE ON ABMED SERVICES

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

MARK BEGICH

COMMITTEE ON VETERANS' AFFAIRS

COMMITTEE ON THE BUDGET

United States Senate

WASHINGTON, DC 20510

July 1, 2010

Ms. Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, DC 20460

Dear Administrator Jackson:

I have strong concerns regarding the affordability of implementing your agency's Long Term 2 Enhanced Surface Water Treatment Rule, commonly known as the LT2 rule, specifically in small, rural Alaska communities.

As you know, the Environmental Protection Agency's (EPA) LT2 rule applies to public water systems fed or directly influenced by surface water because of legitimate concerns regarding of the existence of harmful pathogens like Giardia and Cryptosporidium. These microorganisms, when found in drinking water supply, can cause gastrointestinal illness and harm the public's health. While I fully support the goals of the regulation, I am troubled by the significant costs many small communities and their residents may face in order to comply with the filtration requirement of the LT2 rule by October 1, 2014.

The challenges facing Cordova, Alaska, effectively highlight the problem. Cordova's drinking water comes from four surface water sources: Crater Lake/Crater Creek, Murcheson Falls, Meals Reservoir, and in emergency situations Eyak Lake. Cordova's water system is fed almost entirely from snow melt from nearby pristine mountains and has a strong record of purity. Cordova's water is clean, and as far as the City of Cordova and I are aware, no one has ever gotten sick from Cryptosporidium in the community.

Additionally, Cordova is a small community. From the city-owned utility's perspective, their entire customer base consists of 820 non-metered residential and small business accounts and 16 larger metered accounts. The annual water budget for the entire system is only \$600,000. When cost estimates for compliance with the LT2 rule approach \$10 million initially and an additional \$150,000 annually

Ms. Lisa Jackson July 1, 2010 Page 2

for upkeep, I understand the concerns of community members who fear significant increases in utility bills.

Larger communities can spread these costs of a greater number of users, and I imagine the EPA modeled a larger public water system when it developed estimates for the impact of the LT2 rule on households. Due to the disparity between the annual water budget and compliance costs, the EPA average household estimate of between \$1.67 and \$2.59 per year will clearly not be accurate for residents of Cordova. The City of Cordova estimates residents would pay an increase of 83 percent on their bills, a significant expenditure. While these costs are drastic, many smaller Alaska villages face even more challenging circumstances.

Based on the profound effects on residents of Cordova, Alaska, I request information regarding additional funding and resources available to Cordova and other public water systems to mitigate steep cost increases for customers. The staggering costs required to meet the October 1, 2014, deadline may be extremely detrimental to these communities, many of which, like Cordova, have unemployment rates many times the national average. The EPA should be able to offer assistance to these communities to comply with such monumental costs.

Thank you in advance for your timely response to these concerns.

Sincerely,

Mark Begich

United States Senator

MPB/cl



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, Washington 98101-3140

AUG - 3 2010

OFFICE OF THE REGIONAL ADMINISTRATOR

The Honorable Mark Begich United States Senate Suite SR-144, Russell Building Washington, DC 20510

Dear Senator Begich:

Your letter to Administrator Jackson dated July 1, 2010 has been forwarded to the Environmental Protection Agency's (EPA) Region 10 office for response. EPA Region 10 is implementing the Long Term 2 (LT2) Enhanced Surface Water Treatment Rule program in Alaska because the state has not yet adopted the LT2 Rule.

In your letter you express concern about the ability of small water systems in rural Alaska to comply with the requirements of the LT2 and you specifically "request information regarding additional funding and resources available to Cordova and other public water systems to mitigate steep cost increases for customers."

We appreciate your acknowledging the value and purpose of the rule which applies to all public water systems that use surface water or ground water that is under the direct influence of surface water. As you noted, the intent of the LT2 rule is to reduce disease incidence associated with *Cryptosporidium* and other pathogenic microorganisms in drinking water. *Cryptosporidium* is a significant concern in drinking water because it is resistant to chlorine and other disinfectants, and it has caused waterborne disease outbreaks. Consuming water with *Cryptosporidium*, can cause gastrointestinal illness, which may be severe and even lead to death in people with weakened immune systems.

Water systems are required to monitor their water sources to determine treatment requirements or they may opt to install "maximum treatment" which would allow them to forgo monitoring. This monitoring involves the collection of twenty-four *Cryptosporidium* samples spread out over a period of one year or two years. To reduce monitoring costs, small water systems using filtered sources may first monitor for *E. coli*—a bacterium that is less expensive to analyze than *Cryptosporidium*—and will then monitor for *Cryptosporidium* only if their *E. coli* results exceed specified concentration levels. The City of Cordova has opted to install "maximum treatment" on their three unfiltered sources and recently began collecting *E. coli* samples from their filtered Eyak Lake source.

All water systems that use unfiltered sources must provide *Cryptosporidium* treatment (ultraviolet light, ozone, or chlorine dioxide) because the existing treatment provided by unfiltered systems (chlorination) does not provide protection against *Cryptosporidium*. Alaska has six unfiltered systems that are required to install treatment. Filtered water systems will be classified in one of four treatment categories (bins) based on their monitoring results. EPA expects most, if not all, filtered systems in Alaska to be classified in the lowest bin which means they will face no additional treatment requirements. Systems classified in higher bins must provide additional water treatment to further reduce *Cryptosporidium* levels by 90 to 99.7 percent (1.0 to 2.5-log), depending on their treatment bin. Water systems serving less than 10,000 people, such as Cordova, must install the required treatment by October 1, 2014 with an allowance for an extension to 2016 for systems making capital improvement.

Funding is available from programs administered by EPA and other Federal agencies to assist systems in complying with the LT2. The Drinking Water State Revolving Fund (DWSRF) assists systems with financing the costs of infrastructure needed to achieve or maintain compliance with the Safe Drinking Water Act (SDWA) requirements. Through the DWSRF, EPA awards capitalization grants to States, which in turn can provide low-cost loans and other types of assistance to eligible systems. Congress has also directed funding to EPA to help systems in rural Alaska comply with drinking water regulations.

If you have additional questions, please call me at (206) 553-1234 or have your staff, contact Dennis Wagner at (907) 271-3651 or Richard Green, Drinking Water Unit, at (206) 553-8504 regarding specific funding options.

Sincerely

Dennis J. McLerran

Regional Administrator

cc: Ms. Kristin Ryan

Alaska Department of Environmental Conservation

MARK BEGICH

09-001-4490

SUITE SR-144 RUSSELL BUILDING WASHINGTON, DC 20510 (202) 224-3004

COMMITTEE ON ARMED SERVICES

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

COMMITTEE ON VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

September 28, 2009

The Honorable Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue NW Washington, DC 20460

Re: Docket ID No. EPA-HQ-OAR-2007-0121

Dear Administrator Jackson,

I respectfully ask you delay implementation of the proposed rule establishing an Emission Control Area (ECA) in Alaska until the appropriate science has been completed. It is my understanding the rule is based on data collected in the lower 48 states and Canada. A delay would provide an opportunity to properly collect data and study the environmental, health, and economic impacts of such a rule in Alaska.

The cruise ship industry is of vital importance to Alaska's economy. Over a million visitors came to Alaska via cruise ship last summer, and nearly 14 percent of all employment in our state is directly tied to the tourism industry. Given this year's tourism season has demonstrated the price sensitivity of American and foreign consumers in the midst of the economic downturn, it is estimated Alaska will have approximately 140,000 less cruise ship passengers in 2010. I am concerned the imposition of a rule developed without consideration of environmental and economic impacts in Alaska might have the unintended consequence of exacerbating this decline.

I do recognize carbon emissions contribute to climate change and a well balanced approach is necessary to address these challenges. Vessel emissions have been an issue receiving attention in Southeast Alaska in the past and have previously been monitored by the State of Alaska Department of Environmental Conservation. Additionally, local governments have instituted creative solutions to reduce emissions. For example, the City and Borough of Juneau has collaborated with the cruise ship industry to provide renewable hydroelectric shore power for vessels, removing the need for ships to run their engines to provide power when docked.

At a minimum, I respectfully request you extend the comment period for this proposed rule. Alaskans have only recently become aware of this issue, and I believe it would be imprudent to cut off comments until the public has a full understanding and opportunity to be heard on this important issue.

Administrator Jackson September 28, 2009 Page 2

I have greatly appreciated your willingness to work with me on issues important to Alaska during the first few months of your tenure. Thank you for your consideration of this request, and please do not hesitate to contact me with any questions.

Sincerely,

Mark Begich U.S. Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 0 2 2009

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D. C. 20510

Dear Senator Begich:

Thank you for your letter of September 28, 2009, urging the U.S. Environmental Protection Agency (EPA) to conduct additional analyses before including Alaska in the North American Emission Control Area (ECA), which was proposed to the International Maritime Organization's Marine Environment Protection Committee (MEPC) last July. We appreciate the opportunity to address your concerns about the degree of public notice that was provided, as well as the possible impacts of such a proposal on the environment and the economy of Alaska.

As you may be aware, the large diesel engines on ships are significant contributors to our national emissions inventory. The inventory for the proposed ECA includes detailed emissions information for ships operating in Alaskan waters. In coordination with the Alaska Department of Environmental Conservation and the Government of Canada, EPA found that there are substantial ship emissions in the waters off Southcentral and Southeast Alaska, and a high probability that those emissions reach land in an area where most of the State's population resides.

In developing the ECA proposal, EPA consulted with stakeholders, including representatives from the shipping industry, ports, master mariners, environmental interests and representatives from state and provincial governments. EPA began conducting outreach far in advance of our proposal to the International Maritime Organization. In the Advance Notice of Proposed Rulemaking (ANPRM) for Control of Emissions from New Marine Compression Engines, published on December 7, 2007, EPA outlined an approach to regulating emissions from both new and existing vessels using a framework that aligns with MARPOL Annex VI, including the provisions for Emission Control Areas. During the comment period for that ANPRM, EPA received many substantive comments on EPA's coordinated strategy for oceangoing vessels, including comments on adopting internationally harmonized standards that would apply in U.S. coastal waters.

With these standards, EPA is striving to minimize the impact on the shipping community, while achieving needed environmental protection. The costs of implementing and complying with the coordinated strategy are expected to be small in comparison to the health and welfare benefits. As described in our August 28 Notice of Proposed Rulemaking, the estimated cost of implementing the coordinated strategy is approximately \$1.85 billion in 2020, increasing to \$3.11 billion in 2030. By 2030, the coordinated strategy is expected to prevent as many as

33,000 premature deaths annually and yield up to \$280 billion in monetized health benefits.

The amendment process for MARPOL Annex VI provides that Parties who have ratified the treaty will vote to adopt the North American ECA at MEPC this coming March. Given the lead time specified in the regulations, an ECA approved at MEPC could be expected to enter into force no earlier than August 2012. During that period of well over two years, EPA is committed to working with the Government of Alaska and regional/local businesses to assist with implementation in any way possible.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Gina McCarthy

Assistant Administrator

MARK BEGICH

09-001-0757

SUITE SH-825 HART BUILDING WASHINGTON, DC 20510 (202) 224-3004

COMMITTEE ON ARMED SERVICES

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

COMMITTEE ON VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

July 13, 2009

Ms. Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, DC 20460

Dear Ms. Jackson:

I write to strongly support Alaskan Lauri Adams for the Regional Counsel position for Region 10 of the Environmental Protection Agency. Lauri is an outstanding lawyer and environmental legal expert who has served for almost 30 years in both state and federal agencies, including the U.S. Department of Interior and the Alaska Department of Law. Throughout her distinguished career, she has demonstrated the managerial and legal expertise needed to run the Office of Regional Counsel for the EPA.

Lauri has an excellent understanding of the complexities of environmental law needed for this important position. After graduating cum laude from Harvard Law School in 1978, she began her legal career working for the Environment and Natural Resources division of the Alaska Department of Law, where she drafted new regulations that improved interagency coordination at the state level. Since then, she has served as a director and senior manager for several federal agencies that enforce environmental law. She spent 11 years working as the Regional Counsel for the Alaska Region of the U.S. Department of the Interior, where she provided legal counsel on environmental issues vital to Alaska, ranging from fish and wildlife management to oil spill cleanup. Currently, she serves as Senior Counsel to the Alaska Communications Systems Group, Inc., where she negotiates government contracts and advises the company's senior executive team on a range of legal issues.

Lauri also has the management experience needed to run the Office of Regional Counsel. As Senior Project Manager for the Alaska Department of Environmental Conservation, she developed and implemented the department's special initiative

Ms. Lisa Jackson July 13, 2009 Page 2

on oil spill prevention following the Exxon Valdez oil spill catastrophe. A few years later, as Director of the International Law Program for Earthjustice, Inc., she pioneered a new environmental law program. Not only did she develop and implement a long-term strategic plan for her program, but she hired and supervised all international staff and managed all administrative aspects of the program. Recently, Lauri managed a non-profit foundation supporting conservation projects as Executive Director of the Alaska Conservation Foundation.

Lauri has also worked closely with Native communities in Alaska and abroad, an important qualification since the Office of Regional Counsel collaborates with local and tribal governments. As Regional Counsel for the U.S. Department of the Interior, Lauri worked on implementation of environmental programs impacting the hundreds of Native tribes in Alaska. While working as Director of the International Law Program for Earthjustice, she filed and argued a precedent-setting case encouraging the Inter-American Commission on Human Rights to recognize the environmental rights of the indigenous peoples of Ecuador.

Alaskans have a unique relationship with the natural environment. Preserving and protecting our national parks and open spaces has always been a priority for all Alaskans. To my knowledge, an Alaskan has never been appointed as Regional Counsel for Region 10. Someone with Lauri's talents and background has much to offer the EPA. Lauri enjoys a well-deserved reputation, both in Alaska and nationally, as an intelligent, highly skilled, and unwaveringly ethical professional. And, as reflected by her background and experience, Lauri has a deep commitment to public service.

Thank you for your consideration of Lauri's candidacy. Please be in touch if I can be of any further assistance.

Sincerely.

Mark Begich

United States Senator

Mal Bank

MPB/cwr

11-002-0094

United States Senate

WASHINGTON, DC 20510

November 30, 2011

The Honorable Lisa Jackson Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Jackson:

The United States and Canada are committed to ensuring positive health benefits for North Americans through a reduction in sulfur content in fuel. This commitment forms the basis for their Emissions Control Area (ECA) application to the International Maritime Organization under the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI Treaty.

We support the goal of protecting public health. We understand that the Environmental Protection Agency (EPA), in conjunction with the maritime industry, has been examining the weighted averaging of emissions as a comparable means of achieving the public health and environmental benefits of the ECA. We endorse this approach and continued dialogue, which would allow industry to utilize a recognized scientific means of measuring emissions. As the EPA continues to review the air quality modeling assumptions, it is important to provide consistent protections for similar shoreside locations and population densities.

The EPA has recognized the use of exhaust gas scrubbing as an equivalent means of achieving similar environmental and public health benefits to utilizing low sulfur fuels. However, the agency has not yet recognized emissions averaging as an equivalent means of achieving the same results. Averaging, trading, and banking programs are being widely used for land-based sources of particulate matter and sulfur oxide emissions.

As members of Congress who represent communities dependent upon maritime commerce for their livelihood, we urge the EPA to exercise flexibility in determining equivalencies for compliance with the ECA, and in particular, to favorably consider

The Honorable Lisa Jackson November 29, 2011 Page 2

weighted averaging, and to recognize those equivalency determinations that other parties to MARPOL Annex VI have allowed. Within applicable rules and regulations, we would appreciate your full and fair consideration.

regulations, we would appreciate your ful	l and fair consideration.
	KANDUYE Ales Senator United States Senator
	onited States Scinator
Susan M. Collins United States Senator	United States Senator
United States Senator	United States Senator
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United States Senator	United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB - 6 2012

OFFICE OF AIR AND RADIATION

The Honorable Mark Begich United States Senate Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter to Administrator Lisa Jackson dated November 30, 2011. In your letter, you and your colleagues urge the U.S. Environmental Protection Agency to be flexible in considering equivalent compliance approaches for ships operating in the North American Emission Control Area (ECA), and in particular, to favorably consider weighted emission averaging.

As a matter of practice, we are generally supportive of ideas that will reduce compliance costs while providing equivalent emission reductions. For example, one of the prominent technologies investigated as an equivalency for low sulfur fuel is the use of exhaust gas cleaning systems, also known as oxides of sulfur (SOx) scrubbers. As noted in your letter, we support the use of SOx scrubbers as a compliance alternative to operating on lower sulfur fuel.

We have had several meetings with the Cruise Lines Industry Association (CLIA) who approached us with their thoughts on equivalency compliance approaches, including a concept for population-weighted emission averaging. It should be noted that population-weighting would be a significant departure from the averaging, banking, and trading programs currently used by the EPA. Under a traditional averaging approach, each ton of emissions increased from one source is offset with a full ton of emissions reduction from another source. Under a population-weighted emission averaging approach, one ton of emissions increased in one location could be offset with a decrease of much less than one ton of emissions in another location with a higher population density. In this way, weighted averaging provides a direct incentive to increase emissions when operating near communities with lower populations. For example, small emission reductions near Seattle and Vancouver could be used to offset much larger emission increases in Alaska.

We expressed to CLIA our concern that population-weighted averaging would result in a disproportionate burden of environmental harms and risks for citizens in different communities, depending on their population density. An approach trading off anticipated benefits in less populated areas raises Environmental Justice issues in that it could adversely affect under-represented communities in rural areas such as native Alaskan tribal nations. In addition, we expressed our concern to CLIA that population-weighted averaging would result in a net increase in tons of emissions of sulfur oxides, particulate matter, and air toxics (including heavy metals) in the ECA. This net increase in emissions would be detrimental to the affected ecosystems inland of the ECA because of impacts on visibility, ecosystem health, tree biomass production, acidification, and other issues.

We will continue our dialogue with CLIA to investigate how to address these issues and to potentially consider other approaches. More broadly, we will continue to exercise flexibility as we seek innovative methods for ships operating within the North America ECA to achieve equivalent emission reductions at lower cost.

Again, thank you for your letter. If you have further questions please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina McCarthy

Assistant Administrator

11-001-9989

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

OMMERCE, SCIENCE, AND TRANSPORTATION CHAIRMAN, SUBCOMMITTEE ON OCEANS,

ATMOSPHERE, FISHERIES AND COAST GUARD
COMMITTEE ON VETERANS' AFFAIRS

COMMITTEE ON ARMED SERVICES

COMMITTEE ON THE BUDGET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

United States Senate

MARK BEGICH

ALAEKA

WASHINGTON, DC 20510

November 18, 2011

Mr. David McIntosh

Associate Administrator for Congressional and Intergovernmental Relations Environmental Protection Agency 1200 Pennsylvania Avenue, NW, Room 3426 ARN Washington, DC 20460

Dear Mr. McIntosh:

On behalf of U.S. Senator Mark Begich, I would like to request assistance with acquiring a report from a recent investigation which the Region 10 Environmental Protection Agency (EPA) office conducted in Fairbanks, Alaska. Recently, Mr. Brandon Perkins came to Fairbanks to investigate complaints regarding coal ash escaping from the Aurora Energy Plant owned and operated by Golden Valley Electric Association. As part of the investigation, we are aware that Mr. Perkins visited at least one residential home possibly being negatively impacted by the escaping coal ash.

Can the EPA please provide a report of the findings to our office? Thank you for your consideration and assistance with this request.

Sincerely,

Janelle Perry

Office of U.S. Senator Mark Begich

101 12th Ave, Suite 328 Fairbanks, AK 99701

907-456-0261

907-451-7290 Fax

Janelle Perry@begich.senate.gov



101 12th Avenue, Room 328 Fairbanks, AK 99701 (907) 456-0261 | Fax (907) 451-7290 |



TO: DAVID	MCINTOSH (EF	A)		FROM:	Office of U.S. Ser	nator Mark Begich	
FAX: 202-	501-1519			PAG 85:	2		
PHONE: 202-	564-5200			DATE	11/18/2011		
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101 12th Ave, Suite 328 Fairbanks, AK 99701 907-456-0261

907-451-7290 Fax

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, Washington 98101-3140

OFFICE OF THE REGIONAL ADMINISTRATOR

DEC 08 2011

The Honorable Mark Begich United States Senator 101 12th Avenue, Suite 328 Fairbanks, Alaska 99701

Dear Senator Begich:

Thank you for your letter of November 18, 2011, sent on your behalf by your staff, regarding the U.S. Environmental Protection Agency Region 10's recent Preliminary Assessment investigation at the Aurora Energy Power Plant in Fairbanks, Alaska. In the letter you requested a copy of the Preliminary Assessment report. At this time the EPA's investigation is not complete, but it is anticipated that a final report will be finished by the end of year. Once the report is finished, we will send a copy to your office.

The EPA appreciates your interest in our investigation. If your staff has additional questions about the EPA's investigation or the Preliminary Assessment process, please have them contact Brandon Perkins of the Office of Environmental Cleanup at (206) 553-6396 or perkins.brandon@epa.gov.

Sincerely,

Dennis J. McLerran Regional Administrator

11-000-8050

United States Senate

WASHINGTON, DC 20510

May 5, 2011

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue N.W. Washington, DC 20004

Dear Administrator Jackson:

As you are aware, Congress passed H.R. 1473, the Department of Defense and Full-Year Continuing Appropriations Act of 2011, last month. Unfortunately, this legislation did not include specific language to provide funding for technical assistance and training for rural water utilities. This funding has been critical in helping rural communities comply with national drinking water standards since 1976. In dealing with complex regulations, small communities often need assistance to improve and protect their water resources. In implementing national priorities and standards, we must also address the unique needs of these communities.

Secondly, it is important to place greater weight on initiatives that are effective and produce tangible results when making funding decisions. The technical assistance made possible by past funding of this program has enabled rural water utilities to provide quality drinking water in spite of their limited economies of scale. This assistance has and will continue to help rural water systems from Louisiana to Kansas to Alaska, and every other state in the nation, comply with national laws and regulations.

We respectfully request that you allocate \$15 million in the Environmental Protection Agency Programs and Management account to carry out the Safe Drinking Water Act's technical assistance authorization provision (PL 104-182, 42 USC § 300j-1). If it is not possible to fund this competitive grant program, please let us know how the Environmental Protection Agency intends to ensure our nation's rural communities have the resources necessary to deliver safe drinking water. Thank you in advance for your consideration of this critical issue.

Sincerely,

May of gardin

Jerry Moran

Susan M. Collins BufSander John Marie Ron Wydon Altranken Dim Johnson Chul Sch AngKlobban My Bucces FornSarpen Jame Shaleen_ Henr Connel Hand. Kung) ay Rhyden John Howen Que Mar Clarks

Chri Ceen Mul Bayoh Yarl Bein Father Lang Pag Mung Kirsten E. Gillibrand Ilma Kin for for An Auli Town Rendorden Tom Hale My MARK Rayor

11-001-4381

Congress of the United States Washington. DC 20510

September 22, 2011

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

We understand the U.S. Environmental Protection Agency (EPA) recently proposed a civil penalty of \$218, 700 to the installation commander of Eielson Air Force Base (AFB). According to EPA documentation, the penalties are for violations of the Resource Conservation and Recovery Act (RCRA, 42 U.S.C.) following an inspection of the Eielson AFB Central Heat and Power Plant (CHPP) on July 26-28, 2010.

The Eiclson AFB CHPP is a coal-fired power facility, built in 1951, owned and operated by the Air Force. It burns roughly 200,000 tons of coal per year for the base to be entirely self-sufficient. During the winter months, it produces more than 380,000 pounds of steam per hour to generate heat and electricity for the base when temperatures are routinely well below zero.

We understand the importance of compliance with EPA regulations and the health of Alaskans. However, we believe Eielson AFB is pursuing every effort possible to comply with EPA regulations given the reality of operating a dated facility in need of boiler and other repairs with a limited budget and personnel shortages. At the commander's direction the skilled craftsmen who operate the coal-fired heat and power plant have worked diligently to improve operations in order to comply with EPA regulations and mitigate environmental concerns. We understand Eielson AFB has been proactive in improving their hazardous waste management processes and that most of the violations cited were remedied at the time of the inspection where feasible.

As you may know, the commander of Eielson AFB has limited funds to sustain and maintain the installation on an annual basis. Fines levied against Eielson AFB are counterproductive as they divert funds away from future renovations and necessary repairs to keep the CHPP operating and incompliance with EPA regulations.

The Honorable Lisa Jackson September 22, 2011 Page 2

Furthermore, the fines levied against Eielson AFB negatively impact Airmen and their families by hindering the commander's ability to make necessary repairs on facilities where they are living, working and serving their country.

Professional relationships and ongoing dialogue between Eielson AFB and local EPA regulators are a constructive means of preventing non-compliance with environmental statutes. We ask that the EPA provide the opportunity to the installation commander to discuss the matter and urge the EPA to recognize the challenges of operating a dated coal plant with limited resources during the negotiations. We also strongly urge the EPA to take in to account the negative impact proposed fines will have on our military members and their families at Eielson AFB.

We appreciate your attention to this matter and look forward to your response.

Sincerely,

Lisa Murkowski

United States Senator

Mark Begich

United States Senator

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Congressman or Ali Alaska



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, Washington 98101-3140

OFFICE OF THE REGIONAL ADMINISTRATOR

OCT 1 3 2011

The Honorable Mark Begich United States Senate 111 Russell Senate Office Building Washington, D.C. 20510

Dear Senator Begich:

Thank you for your letter dated September 22, 2011 to the Environmental Protection Agency's Administrator Lisa Jackson regarding violations of the Resource Conservation and Recovery Act observed by the Agency during an inspection at Eielson Air Force Base in July 2010. You ask that "the EPA provide the opportunity to the installation commander to discuss the matter and urge the EPA to recognize the challenges of operating a dated coal plant with limited resources during the negotiations." Since this is an ongoing EPA enforcement matter, the EPA cannot discuss the specifics of the Agency's negotiations or enforcement decision-making, but I can assure you that the EPA's actions in this case are consistent with your request.

The EPA encourages settlement and provides the regulated community, including federal agencies, an opportunity to present pertinent information and raise concerns associated with an enforcement matter prior to filing a formal enforcement action. EPA Region 10 provided the Air Force with this opportunity in a letter to the Base Commander dated August 10, 2011. The letter described the violations found during the inspection and offered the Commander an opportunity to engage in settlement discussions. The EPA and several employees from Eielson Air Force Base, held a conference call on September 1, 2011 to discuss the violations.

Consistent with the EPA's policy, we will continue to seek information and consider equitable factors as we work with the Air Force to resolve this matter. Congress has charged the EPA to treat federal agencies in the same manner as we treat other members of the regulated community, which we are doing in this case.

You also expressed concern about the challenges the Air Force faces operating an old coal-fired heat and power plant, and stated that Eielson Air Force Base "is pursuing every effort possible to comply with EPA regulations". To clarify, the EPA's concerns with the Base's hazardous waste management practices are not related to the operation of the power plant.

Thank you for your interest in this matter, and please let me know if I can be of further assistance.

Sincerely,

Dennis J. McLèrran Regional Administrator ce: Senator Lisa Murkowski United States Senate

Congressman Don Young House of Representatives

COMMITTEE ON ARMED SERVICES

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

MARK BEGICH

10-001-7889

COMMITTEE ON VETERANS' AFFAIRS

COMMITTEE ON THE BUDGET

United States Senate

WASHINGTON, DC 20510 September 30, 2010

Ms. Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, DC 20460

Dear Administrator Jackson:

Thank you for taking the time to speak with Fairbanks North Star Borough Mayor Luke Hopkins earlier in the summer about the challenges the Fairbanks community faces in meeting your agency's date for attaining compliance with PM_{2.5} standards.

As you heard from him in the call and his letters, the Borough is making a good faith effort in its attainment plan, but has limited options for reducing particulate emissions to meet a more stringent standard.

Given the unique conditions associated with Fairbanks winter weather, I would appreciate it if your agency would continue its collaboration with the Borough to develop a workable fine particulate emission model to enable the evaluation of the benefits of alternate pollution control strategies. My staff is available to assist you in any way possible.

I know how demanding your schedule is, but I hope you can make another trip to Alaska and include Fairbanks on your itinerary as well as other communities in which there are matters pending that pertain to the Environmental Protection Agency.

Thank you again for time and consideration of this issue.

Sincerely

Mark Begich

United States Senator

cc: Mayor Luke Hopkins

Dennis McLarren, EPA Region 10 Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, Washington 98101-3140

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OFFICE OF THE REGIONAL ADMINISTRATOR

Honorable Mark Begich United States Senator Suite SR-144 Russell Building Washington, DC 20510

Dear Senator Begich:

Thank you for your letter dated September 30, 2010 addressed to EPA Administrator Lisa Jackson regarding Fairbanks North Star Borough's efforts to comply with the fine particulate matter (PM_{2.5}) standards. Administrator Jackson asked that I respond on her behalf. The Administrator and I are impressed by the actions the Borough of Fairbanks has taken to improve air quality in the area, especially the passage of Ordinance 2010-28 which promotes replacing older, inefficient woodstove with newer, clean burning stoves. Initiatives such as the woodburning ordinance will have a positive impact on the air quality and public health status of the citizens of Fairbanks.

As we are closely engaged with the Borough and the State of Alaska on development of an understanding of the air pollution sources and consequent mitigation of such pollution, we are fully aware of the wholehearted effort of the Mayor and his staff in restoring the area's public health status. Because conventionally available EPA atmospheric models do not represent weather conditions in Fairbanks well, we are engaged in modifying meteorological models to represent Fairbank's severe meteorology through a \$200,000 Regional Applied Research Effort (RARE) grant from EPA. The model will assist in simulating the sources of pollution and testing of the level of reductions needed to attain the PM_{2.5} standards. After the modifications to the modeling system are complete, these tools will be transferred to the Borough and State to analyze and mitigate air pollution in Fairbanks.

I also note and appreciate your offer of help. We will certainly benefit from your insight and experience in Alaska when it comes time to implement measures to reduce air pollution after the analysis is complete. Additionally, I will call the Mayor in the next few weeks, extend our full staff support and share our expertise in identifying and rectifying air pollution so that the people in Fairbanks can enjoy clean air and a great quality of life in the great State of Alaska.

If you have any additional questions or concerns, please call me at 206-553-1234, or have your staff contact Mr. Krishna Viswanathan at 206-553-2684.

Sincerely,

Dennis J. McLerran Regional Administrator